

**U.S. Department of Justice
Executive Office for Immigration Review**

**STATISTICAL YEAR BOOK
2002**



Prepared by the Office of Planning and Analysis

Contact Information

Public Affairs Office
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
(703) 305-0289
(703) 605-0365 (fax)

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The Statistical Year Book is updated annually. The legend at the bottom of each page reflects the last revision date for that page. Yearly updates will be available electronically through the EOIR Web Site at www.usdoj.gov/eoir.

April 2003

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MESSAGE FROM THE DIRECTOR

I am pleased to provide the FY 2002 Statistical Year Book which summarizes the work of the Executive Office for Immigration Review (EOIR) for the past five years. EOIR, an agency of Department of Justice, carries out its mission through three main organizational components: the Office of the Chief Immigration Judge (OCIJ), the Board of Immigration Appeals (BIA), and the Office of the Chief Administrative Hearing Officer (OCAHO).

In FY 2002, OCIJ supervised 211 immigration judges located in 51 courts throughout the United States. Nineteen of the 51 immigration courts are located in either detention centers or prisons. Additionally, immigration judges travel to more than 100 other hearing locations to conduct proceedings. At each proceeding, an Immigration and Naturalization Service (INS)¹ trial attorney represents the United States Government, while the respondent alien appears on his or her own behalf or retains an attorney at no expense to the Government.

The BIA, located in Falls Church, VA, conducts appellate review of decisions rendered by immigration judges. All decisions of the BIA, published or unpublished, are binding on immigration judges and on INS unless overruled or modified by the Attorney General or a Federal court. In February 2002, DOJ published a proposed rule to revise the structure and procedures of the BIA. After a public comment period, the final rule was published on August 25, 2002, and on September 25, 2002, the regulation became effective. The BIA has implemented all the immediate requirements of the regulation and has taken major steps to ensure timely implementation of all the other requirements. These have included creating a new screening process for quickly identifying cases appropriate for summary dismissal, one-Board Member adjudication, and three-Board Member panel adjudication; internal process changes to regulate the flow of cases available for the new screening process; preliminary drafting of a formal post-transition case management plan; new electronic data systems configuration; and expansion of reporting capabilities to assist improved case flow management.

The third EOIR component, OCAHO, is also located in Falls Church, VA. OCAHO resolves cases concerning employer sanctions, immigration-related employment discrimination, and document fraud.

¹On November 25, 2002, President George W. Bush signed the Homeland Security Act of 2002. This act created the new Department of Homeland Security (DHS). In the legislation, the Attorney General continues to retain authority over EOIR, within DOJ, with no immediate changes to EOIR's components or jurisdiction. However, INS was transferred to the new DHS as of March 1, 2003. The INS enforcement function became part of the Border and Transportation Security Directorate, and immigration services is housed in the Bureau of Citizenship and Immigration Services. Since this Year Book covers the period FY 1998 - FY 2002 (prior to the creation of DHS), there are many references to INS, even though it is no longer in existence as a single agency.

EOIR collects information about aliens who appear in immigration courts and whose cases are subsequently appealed to the BIA. Both immigration court staff, located throughout the United States, and the BIA staff record and update case information in EOIR's information processing systems.

The following report is intended to provide an introduction to the types of immigration matters processed by EOIR on a daily basis. Included in this report are data from FY 1998 - FY 2002. Data in this report have been updated, and thus may be slightly different from previously published Statistical Year Book data. We have substantially revised the layout of the FY 2002 Statistical Year Book to make it more user friendly for the public. Also, new in the FY 2002 Statistical Year Book is a Glossary of Terms which has been compiled as an Appendix.

The accomplishments reported in the Statistical Year Book are the results of the effort and dedication demonstrated by EOIR staff members throughout the year.

Kevin Rooney
Director

April 2003

SUMMARY OF HIGHLIGHTS

- Receipts by the immigration courts increased by 3 percent between FY 2001 (282,584) and FY 2002 (290,652). (Figure 1)
- IJ decisions increased by seven percent between FY 2001 (159,801) and FY 2002 (170,219). (Figure 4)
- Mexico, El Salvador, Honduras, China and Guatemala represent the predominant nationalities of immigration court case completions during FY 2002. (Figure 6)
- Spanish was the most frequently spoken language for immigration court case completions during FY 2002. (Figure 8). The number of different languages used in court proceedings has increased by 10 percent over FY 1998
- Forty-five (45) percent of aliens whose cases were completed in immigration court during FY 2002 were represented. (Figure 9)
- Asylum filings at the immigration courts increased 19 percent from FY 2001 (61,500 filings) to FY 2002 (72,956 filings). (Figure 13)
- In FY 2002, the Los Angeles, CA; Miami, FL; New York City, NY; and San Francisco, CA immigration courts received 67 percent of the asylum filings. (Table 6)
- Six nationalities were among the top ten nationalities granted asylum each year during the five-year period: China, India, Russia, Albania, Somalia, and Haiti. (Table 7)
- Immigration courts completed 24,576 Convention Against Torture (CAT) applications in FY 2002 (Table 10). In FY 2002, the grant rate for CAT applications completed was 3 percent.
- In FY 2002, 31 percent of cases completed had applications for relief. (Figure 19)
- Thirty-four (34) percent of FY 2002 immigration court completions involved detained aliens. (Figure 20)
- BIA completions increased by 49 percent between FY 2001 (31,797) and FY 2002 (47,321). (Figure 22)
- Mexico, China, Haiti, Guatemala, and India represent the predominant nationalities of BIA cases (completions) during FY 2002. (Figure 25)

- È Sixty-five (65) percent of the cases completed by the BIA in FY 2002 were for represented aliens. (Figure 26)
- È There was a 67 percent increase between FY 2001 (20,567) and FY 2002 (34,262) for IJ case appeals decided. (Figure 27)
- È In FY 2002, 13 percent of IJ decisions were appealed to the BIA. (Figure 28)

Immigration Courts: Total Matters Received and Completed

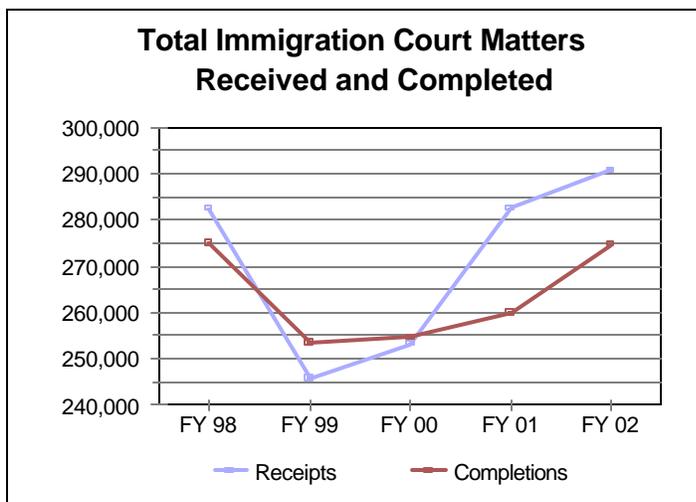
An alien charged by the Immigration and Naturalization Service (INS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to Immigration Judge. When the charging document is filed by INS with the immigration court, jurisdiction over the case transfers from INS to the Executive Office for Immigration Review (EOIR), which has oversight over the 51 immigration courts located throughout the United States. Once an alien has been ordered removed by EOIR, INS carries out the removal; EOIR does not maintain statistics on alien removals from the United States.

During court proceedings, aliens appear before an immigration judge, and either contest or concede the charges against them. In some instances, the immigration judge adjourns the case and sets a continuance date; for example, the judge may allow the alien time to obtain representation or to file an application for relief. After hearing a case, the immigration judge renders a decision. The immigration judge may order the alien removed, or may grant relief such as cancellation of removal, suspension of deportation, political asylum, adjustment of status, or waiver of removability. If the immigration judge decides that removability has not been established by INS, he or she may terminate the proceedings.

In addition to proceedings, immigration judges consider other matters such as bonds and motions.

- Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance or a reduction in the amount of bond. In some cases, bond redetermination hearings are held before EOIR receives the charging document from INS. During bond redetermination hearings, the judge may decide to lower, raise, maintain, or eliminate altogether the bond amount set by INS or to change bond conditions.
- Additionally, either the alien or INS may request by motion that a case previously heard by an immigration judge be reopened or reconsidered. Generally, aliens or INS file motions to reopen or reconsider because of changed circumstances.

For the purposes of this Year Book, the term immigration court matters includes proceedings (deportation, exclusion, removal, credible fear, claimed status, asylum only, and rescission), bond redeterminations, and motions. Receipts are defined as the total number of proceedings, bond redeterminations, and motions received by the immigration courts during the reporting period. Completions include immigration judge decisions on proceedings, bond redeterminations, and motions; other completions such as, administrative closings, changes of venue, etc. and terminations.



	Receipts	Completions
FY 02	290,652	274,694
FY 01	282,584	259,899
FY 00	253,248	254,581
FY 99	245,819	253,585
FY 98	282,348	274,993

Figure 1

As shown in Figure 1 above, the number of immigration matters received by the immigration courts declined significantly between FY 1998 and FY 1999. This decline in receipts actually began in FY 1997 and may have been the result of the 1997 implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA granted INS authority to decide some cases that previously would have been handled by the immigration courts. In FY 2001, however, receipts rebounded to FY 1998 levels. The increase in receipts from the five-year low in FY 1999 to the high in FY 2002 was 18 percent.

The FY 2002 growth in court receipts was not consistent among all immigration courts. While some courts showed significant increases in workload over FY 2001 levels, others showed decreases. In some instances, e.g., East Mesa, the dramatic change in workload was due to jurisdictional changes. In Table 1, shown on page B3, courts with increases greater than 25 percent are shown in blue, and those with decreases of more than 25 percent are shown in red. Immigration courts in East/Otay Mesa, CA; New Orleans, LA; Newark, NJ; Phoenix, AZ; and York, PA showed increases of 50 percent or more in receipts from FY 2001 to FY 2002.

Table 2 on page B4 provides a comparison of FY 2001 and FY 2002 completions. Courts with increases in completions of greater than 25 percent are shown in blue, and those with decreases of more than 25 percent are shown in red. Some of the courts with increases in completions of more than 25 percent had experienced a similar increase in receipts.

Table 1 - Total Immigration Court Matters Received by Court for FY 2001 and FY 2002

Immigration Court	FY 2001	FY 2002	Rate of Change	
ARLINGTON, VIRGINIA	4,178	4,382	5%	
ATLANTA, GEORGIA	4,277	4,048	-5%	
BALTIMORE, MARYLAND	3,284	3,892	19%	
BATAVIA SPC, NEW YORK	1,712	1,438	-16%	
BOSTON, MASSACHUSETTS	5,606	5,887	5%	
BRADENTON COUNTY JAIL, FLORIDA	2,787	3,121	12%	
BUFFALO, NEW YORK	2,573	2,432	-5%	
CHICAGO, ILLINOIS	10,812	10,998	2%	
DALLAS, TEXAS	7,845	4,883	-38%	
DENVER, COLORADO	6,375	6,499	2%	
DETROIT, MICHIGAN	4,706	5,396	15%	
EAST/OTAY MESA, CALIFORNIA	492	3,135	537%	
EL CENTRO, CALIFORNIA	5,420	4,442	-18%	
EL PASO, TEXAS	12,515	11,089	-11%	
ELIZABETH SPC, NEW JERSEY	580	504	-13%	
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	9,301	9,915	7%	
FLORENCE, ARIZONA	7,835	6,127	-22%	
HARLINGEN, TEXAS	9,830	8,603	-12%	
HARTFORD, CONNECTICUT	1,792	1,917	7%	
HONOLULU, HAWAII	919	897	-2%	
HOUSTON SERVICE PROCESSING CENTER, TEXAS	4,076	3,962	-3%	
HOUSTON, TEXAS	5,445	5,510	1%	
IMPERIAL, CALIFORNIA	1,872	1,919	3%	
KROME NORTH SPC, FLORIDA	3,290	4,239	29%	
LAS VEGAS, NEVADA	3,137	4,073	30%	
LOS ANGELES, CALIFORNIA	24,820	28,299	14%	
MEMPHIS, TENNESSEE	1,993	1,836	-8%	
MIAMI, FLORIDA	17,358	21,996	27%	
MIRA LOMA DETENTION FACILITY, CALIFORNIA	7,597	7,326	-4%	
NEW ORLEANS, LOUISIANA	1,389	2,305	66%	
NEW YORK CITY, NEW YORK	20,644	19,322	-6%	
NEW YORK STATE DOC- FISHKILL, NEW YORK	1,016	637	-37%	
NEW YORK STATE DOC - ULSTER, NEW YORK	1,163	805	-31%	
NEW YORK VARICK SPC, NEW YORK	2,044	1,429	-30%	
NEWARK, NEW JERSEY	5,580	8,518	53%	
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,798	2,592	-7%	
ORLANDO, FLORIDA	3,082	4,309	40%	
PHILADELPHIA, PENNSYLVANIA	2,854	2,856	0%	
PHOENIX, ARIZONA	1,600	2,725	70%	
PORT ISABEL SPC, TEXAS	12,410	9,375	-24%	
PORTLAND, OREGON	1,378	1,969	43%	
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK		777	532	-32%
SAN ANTONIO, TEXAS	12,316	11,527	-6%	
SAN DIEGO, CALIFORNIA	10,804	8,189	-24%	
SAN FRANCISCO, CALIFORNIA	9,389	10,920	16%	
SAN JUAN, PUERTO RICO	3,067	2,494	-19%	
SAN PEDRO, CALIFORNIA	4,094	3,902	-5%	
SEATTLE, WASHINGTON	5,871	5,843	-0%	
ST. PAUL, MINNESOTA	1,715	2,452	43%	
TUCSON, ARIZONA	2,691	3,765	40%	
YORK COUNTY PRISON, PENNSYLVANIA	3,475	5,421	56%	
Total	282,584	290,652	3%	

 Courts with decreases in receipts of more than 25%

 Courts with increases in receipts of more than 25%

Table 2 - Total Immigration Court Matters Completed by Court for FY 2001 and FY 2002

Immigration Court	FY 2001	FY 2002	Rate of Change	
ARLINGTON, VIRGINIA	3,454	4,516	31%	
ATLANTA, GEORGIA	4,757	4,097	-14%	
BALTIMORE, MARYLAND	3,145	3,665	17%	
BATAVIA SPC, NEW YORK	1,750	1,451	-17%	
BOSTON, MASSACHUSETTS	4,919	5,105	4%	
BRADENTON COUNTY JAIL, FLORIDA	2,728	3,240	19%	
BUFFALO, NEW YORK	2,940	2,470	-16%	
CHICAGO, ILLINOIS	10,917	11,986	10%	
DALLAS, TEXAS	8,395	5,272	-37%	
DENVER, COLORADO	6,034	6,135	2%	
DETROIT, MICHIGAN	3,578	4,356	22%	
EAST/OTAY MESA, CALIFORNIA	592	3,030	412%	
EL CENTRO, CALIFORNIA	5,295	4,509	-15%	
EL PASO, TEXAS	11,740	11,366	-3%	
ELIZABETH SPC, NEW JERSEY	584	583	-0%	
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	9,146	10,075	10%	
FLORENCE, ARIZONA	7,960	6,383	-20%	
HARLINGEN, TEXAS	9,372	10,284	10%	
HARTFORD, CONNECTICUT	1,581	2,000	27%	
HONOLULU, HAWAII	717	1,069	49%	
HOUSTON SERVICE PROCESSING CENTER, TEXAS	4,191	3,925	-6%	
HOUSTON, TEXAS	5,401	5,218	-3%	
IMPERIAL, CALIFORNIA	1,801	1,947	8%	
KROME NORTH SPC, FLORIDA	3,323	4,198	26%	
LAS VEGAS, NEVADA	3,126	3,927	26%	
LOS ANGELES, CALIFORNIA	15,857	19,345	22%	
MEMPHIS, TENNESSEE	1,707	1,926	13%	
MIAMI, FLORIDA	13,906	14,495	4%	
MIRA LOMA DETENTION FACILITY, CALIFORNIA	7,560	7,365	-3%	
NEW ORLEANS, LOUISIANA	1,273	2,244	76%	
NEW YORK CITY, NEW YORK	18,914	18,938	0%	
NEW YORK STATE DOC- FISHKILL, NEW YORK	948	754	-20%	
NEW YORK STATE DOC - ULSTER, NEW YORK	1,110	861	-22%	
NEW YORK VARICK SPC, NEW YORK	2,056	1,455	-29%	
NEWARK, NEW JERSEY	5,428	7,899	46%	
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,891	2,631	-9%	
ORLANDO, FLORIDA	2,241	2,730	22%	
PHILADELPHIA, PENNSYLVANIA	2,366	2,145	-9%	
PHOENIX, ARIZONA	1,750	2,290	31%	
PORT ISABEL SPC, TEXAS	12,061	9,824	-19%	
PORTLAND, OREGON	1,384	1,902	37%	
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK		786	602	-23%
SAN ANTONIO, TEXAS	12,429	14,949	20%	
SAN DIEGO, CALIFORNIA	9,754	8,210	-16%	
SAN FRANCISCO, CALIFORNIA	7,772	8,784	13%	
SAN JUAN, PUERTO RICO	2,945	2,941	-0%	
SAN PEDRO, CALIFORNIA	4,164	4,037	-3%	
SEATTLE, WASHINGTON	5,438	5,901	9%	
ST. PAUL, MINNESOTA	1,766	2,413	37%	
TUCSON, ARIZONA	2,635	3,737	42%	
YORK COUNTY PRISON, PENNSYLVANIA	3,312	5,509	66%	
Total	259,899	274,694	6%	



Courts with decreases in completions of more than 25%



Courts with increases in completions of more than 25%

Figures 2 and 3 below provide information on the types of matters received and completed by the immigration courts. Proceedings make up the bulk of the courts' work, but they also process significant numbers of bonds and motions.

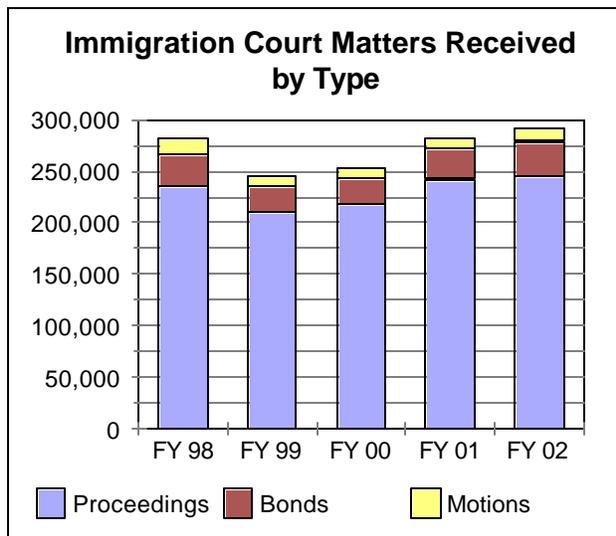


Figure 2

	Proceedings	Bonds	Motions	Total
FY 02	245,439	33,446	11,767	290,652
FY 01	241,973	30,266	10,345	282,584
FY 00	218,121	25,582	9,545	253,248
FY 99	210,506	24,424	10,889	245,819
FY 98	234,942	31,099	16,307	282,348

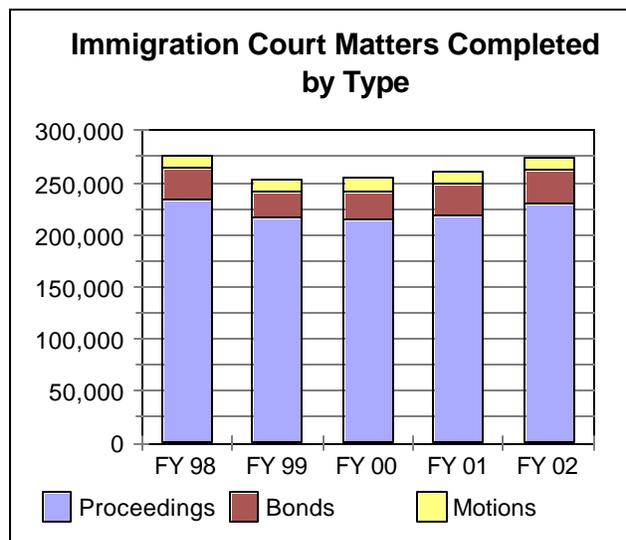


Figure 3

	Proceedings	Bonds	Motions	Total
FY 02	229,385	33,499	11,810	274,694
FY 01	218,645	30,018	11,236	259,899
FY 00	215,612	25,672	13,297	254,581
FY 99	217,077	24,372	12,136	253,585
FY 98	233,378	30,923	10,692	274,993

Immigration Courts: Proceedings Received and Completed by Type

This section of the Statistical Year Book provides further details on proceedings by type. As noted previously in Tab B, proceedings, motions, and bond redeterminations make up the various types of matters considered by the immigration courts.

Until April 1, 1997, the two major types of proceedings conducted by immigration courts were exclusion proceedings and deportation proceedings. Individuals charged by INS as excludable were placed in exclusion proceedings. Exclusion cases generally involved a person who tried to enter the United States, but was stopped at the point of entry because INS found the person to be inadmissible. Deportation cases usually arose when INS alleged that an alien entered the country illegally, or entered legally, but then violated one or more conditions of his or her visa. Rescissions, a less common type of case, were also received by the immigration courts. In a rescission case, INS issues a Notice of Intent to Rescind an individual's permanent resident status, and the individual has the right to contest the charge before an immigration judge.

Provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which became effective on April 1, 1997, established four new types of proceedings:

- Removal Proceedings. Under removal proceedings (which replaced exclusion and deportation proceedings), INS must file a Notice to Appear (NTA) to initiate the proceedings.

- C Credible Fear Review. Arriving aliens with no documents or fraudulent documents are subject to expedited removal by INS. If an arriving alien who has been ordered removed under the expedited removal provisions expresses a "credible fear" of persecution, the alien is referred for an interview by an asylum officer. Aliens found by the asylum officer not to have a credible fear of persecution may request a review by an immigration judge. If the judge determines there is "credible fear," the judge will vacate the INS order of expedited removal.

- C Claimed Status Review. If an alien in expedited removal proceedings before INS claims to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee, or to have been granted asylum, and INS determines that the alien has no such claim, he or she can obtain a review of that claim by an immigration judge.

- Asylum-Only. An asylum only case is initiated when an arriving “crewman or stowaway” is not eligible to apply for admission into the United States, but wants to request asylum.

In addition to the new proceedings established under IIRIRA, immigration judges continue to rule on pre-IIRIRA deportation and exclusion cases. The number of these cases continues to decrease.

Table 3 shows all types of proceedings received by the immigration courts between FY 1998 and FY 2002. Receipts of deportation and exclusion cases have declined from FY 1998 levels because these types of proceedings were no longer initiated by INS after 1997.

Table 3 - Immigration Court Proceedings Received by Case Type

Type of Proceeding	FY1998	FY1999	FY 2000	FY 2001	FY 2002
Deportation	19,433	12,556	10,213	7,736	7,568
Exclusion	1,513	1,560	1,212	1,060	1,282
Removal	213,567	195,542	203,891	229,619	233,889
Credible Fear	90	130	200	182	170
Claimed Status	129	117	161	118	85
Asylum Only	168	561	2,399	3,218	2,394
Rescission	42	40	44	40	39
Unknown	0	0	1	0	12
Total	234,942	210,506	218,121	241,973	245,439

Table 4 shows all types of proceedings completed by the immigration courts for the period FY 1998 to FY 2002. Note that proceedings completed do not reflect only Immigration Judge decisions. These numbers also include other completions such as transfers, change of venue, etc. As shown in Tab D, "other completions" accounted for about 26 percent of the proceedings completed in FY 2002.

Table 4 - Immigration Court Proceedings Completed by Case Type

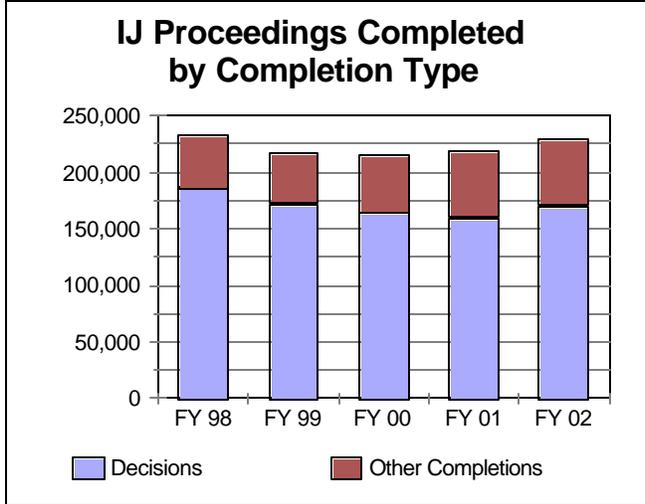
Type of Proceeding	FY 1998	FY1999	FY 2000	FY 2001	FY 2002
Deportation	56,748	34,126	16,781	10,773	8,665
Exclusion	4,546	1,993	1,429	1,213	1,083
Removal	171,667	180,355	195,271	203,902	216,945
Credible Fear	91	125	198	185	171
Claimed Status	131	115	159	123	84
Asylum Only	122	309	1,715	2,410	2,403
Rescission	73	54	59	39	33
Unknown	0	0	0	0	1
Total	233,378	217,077	215,612	218,645	229,385

Immigration Courts: Proceedings Completed by Disposition

After a hearing, the immigration judge either renders an oral decision, or reserves the decision and issues it at a later date. In rendering a decision, the immigration judge may order the alien removed from the United States, grant some form of relief, or terminate the proceedings if removability has not been established by INS.

In addition to decisions, there are other possible proceedings outcomes which are reported here as “other” completions. Some cases are administratively closed and the immigration judge does not render a decision on the merits. For example, in FY 1998, a significant number of cases were administratively closed because the Haitian Refugee and Immigration Fairness Act permitted certain aliens to adjust status to an alien lawfully admitted for permanent residence. Administrative closures are counted as “other” completions, as are cases transferred to a different hearing location or granted a change of venue.

Figure 4 provides a breakdown of proceedings from FY1998 to FY 2002 by type of completion – either through an immigration judge decision or through an “other” completion, such as an administrative closure or change of venue. Between FY 1998 and FY 2002, the number of cases counted as “other” completions rose gradually. In FY 2002, “other” completions accounted for approximately 26 percent of total completions.



	Decisions	Other Completions	Total
FY 02	170,219	59,166	229,385
FY 01	159,801	58,844	218,645
FY 00	164,449	51,163	215,612
FY 99	172,194	44,883	217,077
FY 98	186,734	46,644	233,378

Figure 4

Figure 5 provides a breakout of decisions by disposition type. Immigration judges first decide whether or not the charges against an alien should be sustained. If the charges are not sustained, the judge terminates the case. If the charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. In some cases, the immigration judge may permit the alien to depart the United States voluntarily. Orders of voluntarily departure are included here under removal. There are also a few immigration judge decisions classified as “other” decisions. For example, an immigration judge may permit an alien in proceedings to withdraw his or her application for admission.

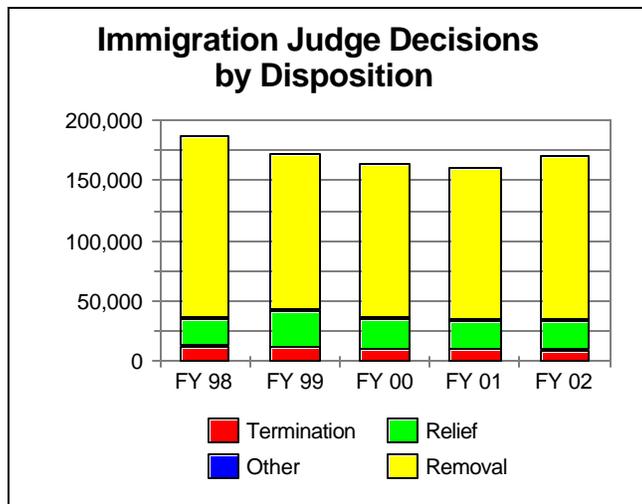


Figure 5

IJ Decisions by Disposition										
	Termination		Relief		Removal		Other		Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
FY 02	9,383	5.5	24,529	14.4	135,246	79.5	1,061	0.6	170,219	100.0
FY 01	9,720	6.1	24,182	15.1	124,833	78.1	1,066	0.7	159,801	100.0
FY 00	9,725	5.9	25,350	15.4	128,407	78.1	967	0.6	164,449	100.0
FY 99	11,612	6.7	29,977	17.4	129,784	75.4	821	0.5	172,194	100.0
FY 98	12,396	6.6	22,712	12.2	150,463	80.6	1,163	0.6	186,734	100.0

Since FY 1999, the percentage of aliens ordered removed has increased slightly, and the percentage of aliens granted relief has decreased. In 1999, immigration judges ordered removal from the United States in 75.4 percent of their decisions and granted relief in 17.4 percent. By comparison, in 79.5 percent of the FY 2002 decisions the alien was ordered removed, and in 14.4 percent of the decisions, the immigration judge granted relief.

Immigration Courts: Proceedings Completed by Nationality

Immigration court staff record in EOIR's data system the nationality of aliens who appear before immigration judges. Data in this section provide information on the predominant nationalities for completed proceedings.

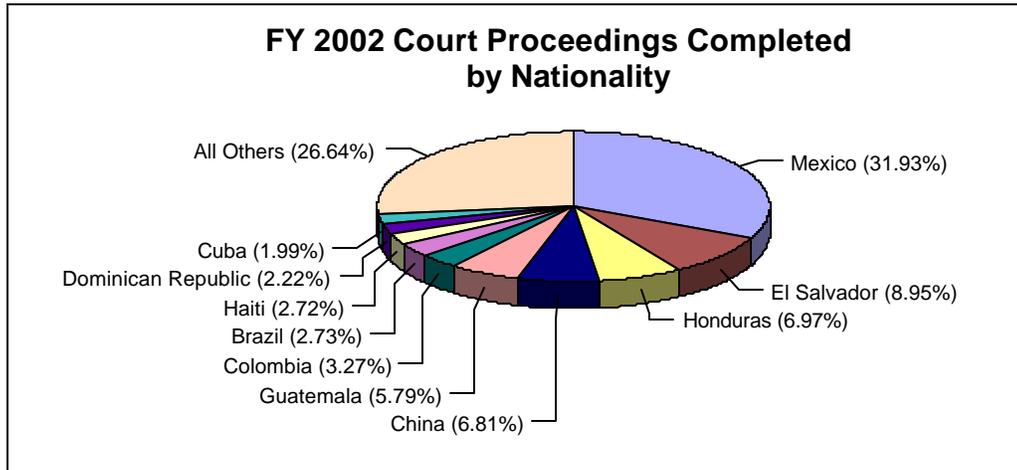


Figure 6

FY 2002 Court Proceedings Completed by Nationality		
Nationality	Cases	% of Total
Mexico	73,232	31.93%
El Salvador	20,522	8.95%
Honduras	15,978	6.97%
China	15,622	6.81%
Guatemala	13,286	5.79%
Colombia	7,498	3.27%
Brazil	6,268	2.73%
Haiti	6,232	2.72%
Dominican Republic	5,081	2.22%
Cuba	4,557	1.99%
All Others	61,109	26.64%
Total	229,385	100.00%

In FY 2002, the top 10 nationalities accounted for approximately 73 percent of all proceedings completed as shown in Figure 6. A total of 219 nationalities were represented in the FY 2002 Immigration Judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5 provides information on the top 25 nationalities each year for the period FY 1998 through FY 2002. For the five-year period, eight nationalities ranked among the top ten nationalities each year: Mexico, El Salvador, Guatemala, Honduras, Haiti, Dominican Republic, Cuba, and China.

**Table 5 - Court Proceedings Completed by Nationality
Top 25 Nationalities: FY 1998 - FY 2002**

Rank	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	El Salvador				
3	Guatemala	Guatemala	Honduras	China	Honduras
4	Honduras	Honduras	China	Honduras	China
5	China	Nicaragua	Guatemala	Guatemala	Guatemala
6	Haiti	China	Cuba	Haiti	Colombia
7	Nicaragua	Haiti	Haiti	Cuba	Brazil
8	Dominican Republic	Cuba	Dominican Republic	Brazil	Haiti
9	India	Dominican Republic	India	Dominican Republic	Dominican Republic
10	Cuba	India	Colombia	Colombia	Cuba
11	Colombia	Colombia	Ecuador	Ecuador	India
12	Philippines	Jamaica	Jamaica	India	Ecuador
13	Jamaica	Peru	Nicaragua	Jamaica	Jamaica
14	Ecuador	Ecuador	Peru	Albania	Albania
15	Peru	Philippines	Brazil	Pakistan	Pakistan
16	Pakistan	Pakistan	Somalia	Nicaragua	Nicaragua
17	Nigeria	Nigeria	Philippines	Sri Lanka	Peru
18	Bangladesh	Russia	Sri Lanka	Peru	Philippines
19	Canada	Bangladesh	Pakistan	Philippines	Armenia
20	Russia	Somalia	Russia	Russia	Indonesia
21	Vietnam	Albania	Albania	Somalia	Russia
22	Iran	Canada	Nigeria	Nigeria	Nigeria
23	Sri Lanka	Vietnam	Canada	Iran	Egypt
24	Somalia	Yugoslavia	Vietnam	Canada	Iran
25	Yugoslavia	Sri Lanka	Yugoslavia	Armenia	Canada

Immigration Courts: Proceedings Completed by Language

Figure 7 below shows a breakdown of FY 1998 immigration court proceedings completed by language. Of 193 languages spoken in court proceedings during FY 1998, 87 percent were in the following five languages: Spanish, English, Creole, Foo Chow, and Mandarin.

Figure 8 below shows comparable data for FY 2002. Although the top five languages were the same, there was more diversity in languages in FY 2002. A total of 213 different languages were spoken in court proceedings in the immigration courts during FY 2002. The top five languages accounted for only 83 percent of the proceedings compared to 87 percent in FY 1998. FY 2002 highlights include:

- C Spanish language cases were 61 percent of the total caseload, down from 66 percent in FY 1998.
- C In the “Other” category, Portugese, Albanian, and Arabic represented the three most frequently spoken languages.
- C The number of different languages used in court proceedings has increased by 10 percent over FY 1998.

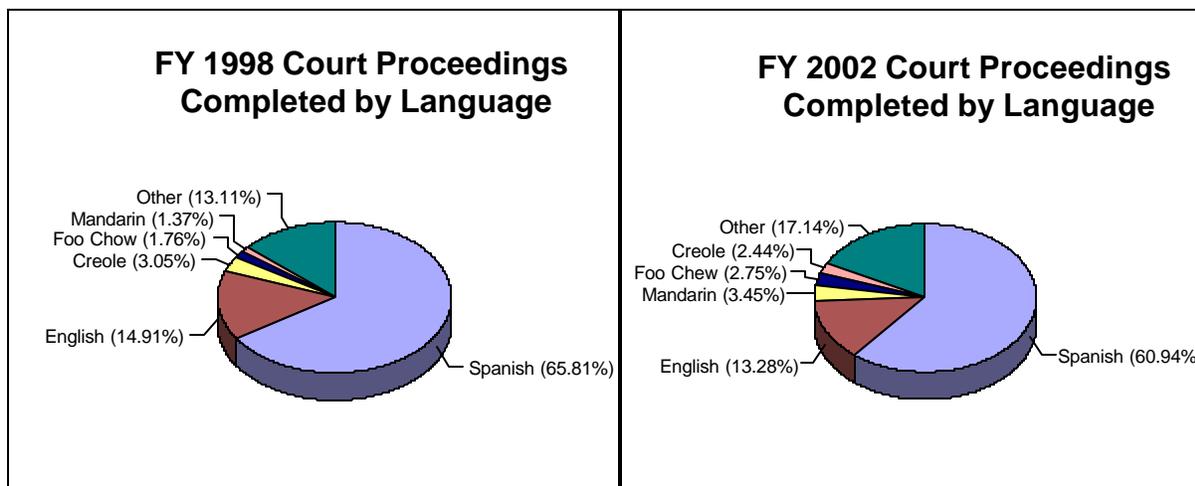


Figure 7

Figure 8

Immigration Courts: Proceedings Completed by Representation Status

The Immigration and Nationality Act states that individuals in removal proceedings before an immigration judge may be represented by counsel, but at no expense to the Government. Before representing an alien before the immigration court, representatives must file a Notice of Appearance with the court.

Many individuals in removal proceedings are indigent and cannot afford a private attorney. Some seek free or *pro bono* representation, while others proceed without counsel on their own, or *pro se*. Of great concern to EOIR is the large number of individuals appearing *pro se*. Immigration judges, in order to ensure that such individuals understand the nature of the proceedings, as well as their rights and responsibilities, must take extra care and spend additional time explaining this information. An individual may ask for a continuance of a proceeding to obtain counsel.

As shown in Figure 9, less than half of the aliens whose proceedings were completed during the period FY 1998 – FY 2002 were represented. The percentage of represented aliens for FY 1998 to FY 2002, remained fairly steady, ranging from 42 percent to 47 percent.

More detailed information on the representation rates at various immigration courts is available at <http://www.usdoj.gov/eoir/reports/icrepsummary.htm>.

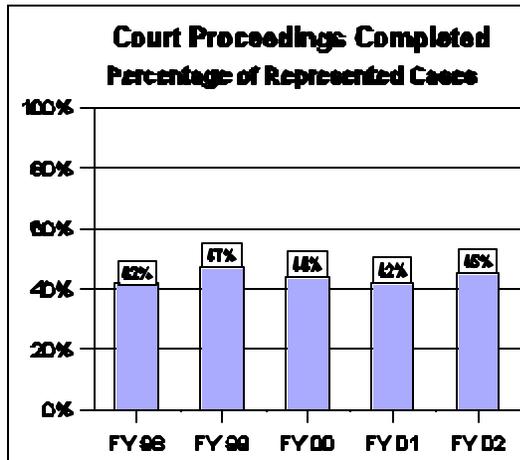


Figure 9

Representation in Immigration Courts			
	Represented	Unrepresented	Total
FY 02	103,220	126,165	229,385
FY 01	92,073	126,572	218,645
FY 00	95,324	120,288	215,612
FY 99	102,487	114,590	217,077
FY 98	98,623	134,755	233,378

Immigration Courts: Failures to Appear

When an alien fails to appear for a hearing, the immigration judge may conduct an *in absentia* (in absence of) hearing and order the alien removed from the United States. Before the immigration judge orders the alien removed *in absentia*, the INS trial attorney must establish by clear, unequivocal, and convincing evidence that the alien is removable. Further, the immigration judge must be satisfied that notice of time and place of the hearing were provided to the alien or the alien's representative. A failure to appear does not always result in an *in absentia* order. In some instances, the immigration judge may administratively close the case without ordering the alien removed *in absentia*. Since most administrative closures relate to failures to appear, we have included those figures in calculating the failure to appear rates below.

Figure 10 compares Immigration Judge decisions and administrative closures with failures to appear. Previous versions of the Year Book compared proceedings completed to failure to appear to determine the failure to appear rate, but we now believe the method used in Figure 10 (comparing failures to appear to Immigration Judge decisions and administrative closures) is a more accurate view. Overall, of the immigration judge decisions rendered in FY 2002, 25 percent of them involved aliens who had failed to appear.

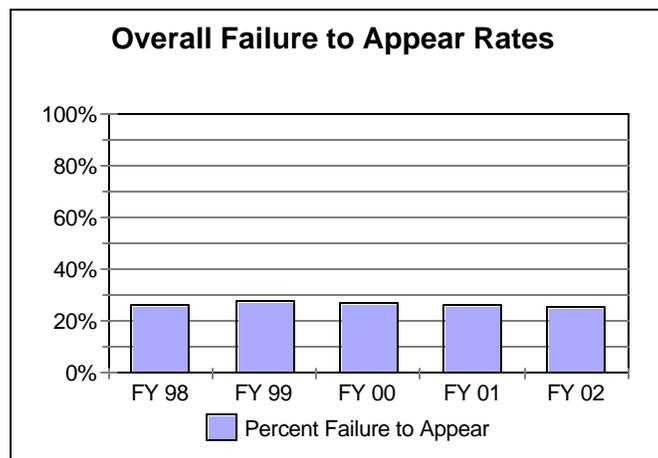


Figure 10

Overall Failure to Appear Rates					
	Failures to Appear			IJ Decisions/ Admin Closures	Failure to Appear Rate
	In Absentia Orders	Administrative Closures	Total Failure to Appear		
FY 02	37,278	7,774	45,052	177,993	25%
FY 01	36,764	6,530	43,294	166,331	26%
FY 00	39,721	5,939	45,660	170,388	27%
FY 99	40,719	10,581	51,300	182,775	28%
FY 98	42,243	9,571	51,814	196,305	26%

EOIR collects its data on failures to appear by detention status: non-detained aliens, aliens released on bond or recognizance, and detained aliens. Failures to appear for detained cases occur very infrequently, generally only because of illness or transportation problems, and are not broken out in the following figures.

Figure 11 shows a comparison of the number of failures to appear with the number of Immigration Judge decisions for non-detained aliens. The non-detained category is made up of aliens who were never detained.

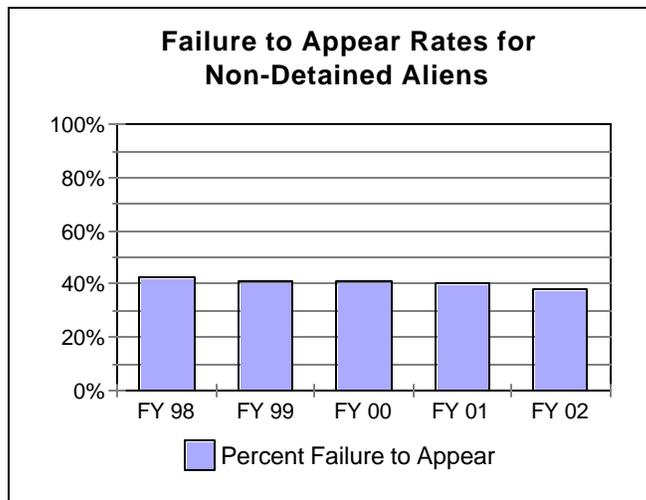


Figure 11

	Failures to Appear		IJ Decisions/ Admin Closures
	Number	% of Total	
FY 02	28,078	38%	74,096
FY 01	28,377	40%	70,386
FY 00	34,909	41%	84,977
FY 99	41,643	41%	101,228
FY 98	43,069	42%	101,534

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. For fiscal years 2000 through 2002, the failure to appear rates for released aliens were higher than those for non-detained aliens.

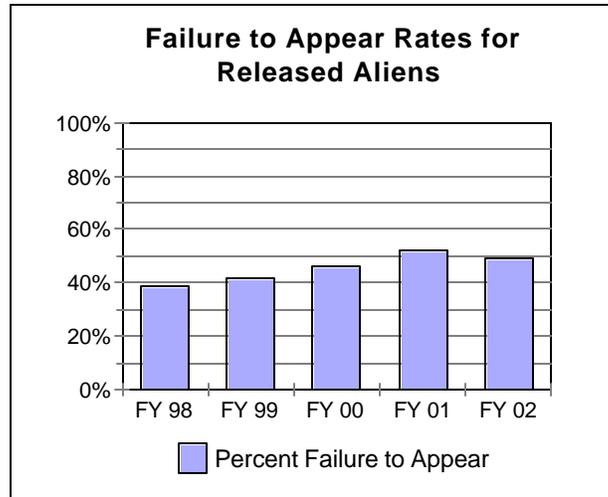


Figure 12

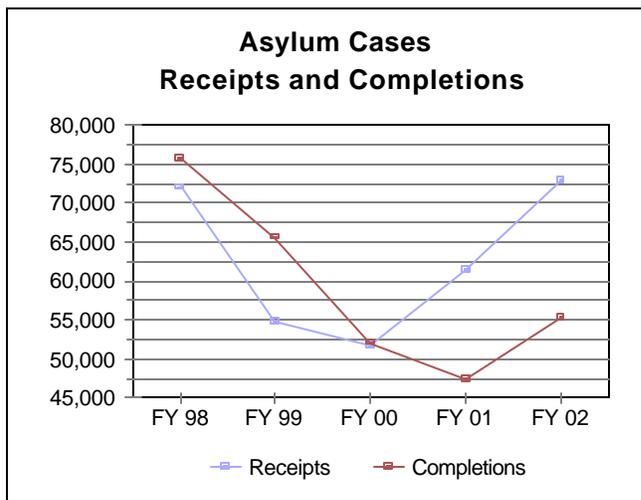
	Failures to Appear		IJ Decisions/ Admin Closures
	Number	% of Total	
FY 02	15,808	49%	32,060
FY 01	13,701	52%	26,442
FY 00	9,536	47%	20,485
FY 99	8,318	41%	20,057
FY 98	7,413	39%	18,997

Immigration Courts: Asylum Cases Received and Completed

An important form of relief that aliens may request is political asylum. Aliens request asylum if they fear harm if returned to their native country or if they have suffered harm in the past. To be granted asylum, an alien must demonstrate a well-founded fear of persecution based on the alien's race, religion, nationality, political beliefs, and/or membership in a particular social group.

There are two ways that aliens may request asylum: "affirmatively," by completing an asylum application and filing it with an INS Asylum Office; or "defensively" by requesting asylum before an Immigration Judge in removal proceedings. Aliens who file affirmatively with INS, but whose requests for asylum are not granted, are placed in removal proceedings and referred to the appropriate Immigration Court for further review of the case.

As shown in Figure 13 below, asylum receipts declined from FY 1998 to FY 2000. This trend was reversed in FY 2001 when receipts increased by almost 19 percent over FY 2000 receipts. This was also the case in FY 2002. In FY 2002, asylum completions increased by 17 percent compared to FY 2001. Since FY 2001, receipts have outpaced completions.



Asylum Receipts and Completions		
	Receipts	Completions
FY 02	72,956	55,317
FY 01	61,500	47,422
FY 00	51,748	52,089
FY 99	54,829	65,644
FY 98	72,080	75,689

Figure 13

Table 6, shown on page I2, provides information on FY 2002 asylum receipts and completions by immigration court. In FY 2002, the Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA immigration courts received 67 percent of asylum filings. In FY 2002, 31 out of 51 immigration courts had more receipts than completions.

Table 6 - Asylum Receipts and Completions by Court for FY 2002

Immigration Court	Receipts	Completions
ARLINGTON, VIRGINIA	1,204	1,179
ATLANTA, GEORGIA	734	731
BALTIMORE, MARYLAND	1,561	1,376
BATAVIA SPC, NEW YORK	61	53
BOSTON, MASSACHUSETTS	1,450	1,066
BRADENTON COUNTY JAIL, FLORIDA	152	159
BUFFALO, NEW YORK	216	145
CHICAGO, ILLINOIS	1,773	1,928
DALLAS, TEXAS	671	599
DENVER, COLORADO	731	607
DETROIT, MICHIGAN	2,060	1,386
EAST/OTAY MESA, CALIFORNIA	17	24
EL CENTRO, CALIFORNIA	101	109
EL PASO, TEXAS	126	121
ELIZABETH SPC, NEW JERSEY	353	406
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	166	190
FLORENCE, ARIZONA	46	47
HARLINGEN, TEXAS	95	79
HARTFORD, CONNECTICUT	446	310
HONOLULU, HAWAII	235	336
HOUSTON SERVICE PROCESSING CENTER, TEXAS	64	69
HOUSTON, TEXAS	715	639
IMPERIAL, CALIFORNIA	8	13
KROME NORTH SPC, FLORIDA	467	456
LAS VEGAS, NEVADA	389	316
LOS ANGELES, CALIFORNIA	19,341	11,868
MEMPHIS, TENNESSEE	784	697
MIAMI, FLORIDA	10,628	6,299
MIRA LOMA DETENTION FACILITY, CALIFORNIA	269	192
NEW ORLEANS, LOUISIANA	97	131
NEW YORK CITY, NEW YORK	12,147	11,543
NEW YORK STATE DOC- FISHKILL, NEW YORK	66	74
NEW YORK STATE DOC - ULSTER , NEW YORK	19	19
NEW YORK VARICK SPC, NEW YORK	216	307
NEWARK, NEW JERSEY	1,687	1,477
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	94	108
ORLANDO, FLORIDA	2,560	1,225
PHILADELPHIA, PENNSYLVANIA	1,295	954
PHOENIX, ARIZONA	205	204
PORT ISABEL SPC, TEXAS	71	61
PORTLAND, OREGON	167	160
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK		265
SAN ANTONIO, TEXAS	163	144
SAN DIEGO, CALIFORNIA	858	780
SAN FRANCISCO, CALIFORNIA	6,576	4,790
SAN JUAN, PUERTO RICO	150	170
SAN PEDRO, CALIFORNIA	94	108
SEATTLE, WASHINGTON	501	548
ST. PAUL, MINNESOTA	564	514
TUCSON, ARIZONA	6	10
YORK COUNTY PRISON, PENNSYLVANIA	292	268
Total	72,956	55,317

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Immigration Courts: Asylum Grants by Nationality

This section provides information on asylum grants by nationality. In Figure 14, we have shown the top ten nationalities granted asylum (including conditional grants) in FY 2002. In FY 2002, the top 10 nationalities accounted for 64 percent of all asylum decisions. A total of 139 nationalities were represented among cases granted asylum in FY 2002. Table 7 provides information for comparative purposes on the top nationalities granted asylum each fiscal year for the period FY 1998 to FY 2002. Six nationalities were among the top ten nationalities granted asylum each year during the five-year period: China, India, Russia, Albania, Somalia, and Haiti. For more complete information on asylum data by nationality, see <http://www.usdoj.gov/eoir/efoia/FY02AsyStats.pdf>.

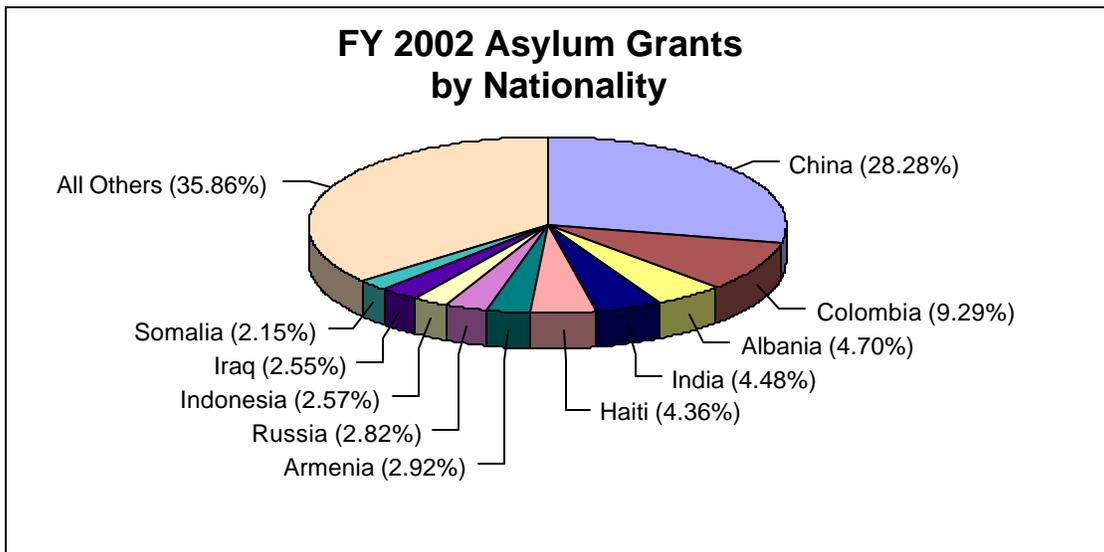


Figure 14

FY 2002 Asylum Grants by Nationality		
Nationality	Cases	% of Total
China	3,105	28.28
Colombia	1,020	9.29
Albania	516	4.70
India	492	4.48
Haiti	479	4.36
Armenia	321	2.92
Russia	310	2.82
Indonesia	282	2.57
Iraq	280	2.55
Somalia	236	2.15
All Others	3,937	35.86
Total	10,978	100.00

**Table 7 - Asylum Grants by Nationality
Top 25 Nationalities: FY 1998 - FY 2002**

Rank	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
1	China	China	China	China	China
2	Somalia	India	India	Albania	Colombia
3	India	Somalia	Russia	India	Albania
4	Russia	Albania	Somalia	Colombia	India
5	Haiti	Russia	Albania	Haiti	Haiti
6	Albania	Yugoslavia	Yugoslavia	Somalia	Armenia
7	Mauritania	Peru	Peru	Russia	Russia
8	Sri Lanka	Iran	Ethiopia	Iran	Indonesia
9	Yugoslavia	Ethiopia	Egypt	Ethiopia	Iraq
10	Guatemala	Haiti	Haiti	Sri Lanka	Somalia
11	Iran	Guatemala	Guatemala	Armenia	Ethiopia
12	Pakistan	Mauritania	Colombia	Egypt	Egypt
13	Ethiopia	Egypt	Pakistan	Iraq	Iran
14	Ukraine	Sri Lanka	Bangladesh	Indonesia	Pakistan
15	Nigeria	Pakistan	Iran	Yugoslavia	Yugoslavia
16	Peru	Afghanistan	Sri Lanka	Pakistan	Liberia
17	Cuba	Ukraine	Indonesia	Guatemala	Sri Lanka
18	Afghanistan	Cuba	Afghanistan	Cameroon	Congo
19	Liberia	Bangladesh	El Salvador	Afghanistan	Burma (Myanmar)
20	Egypt	El Salvador	Congo	Liberia	Mauritania
21	Bangladesh	Nigeria	Cuba	Peru	Cameroon
22	El Salvador	Liberia	Mauritania	Congo	Guatemala
23	Bulgaria	Colombia	Ukraine	Burma (Myanmar)	Sierra Leone
24	Sudan	Armenia	Liberia	Bangladesh	Bangladesh
25	Iraq	Iraq	Cameroon	Fiji	Ukraine

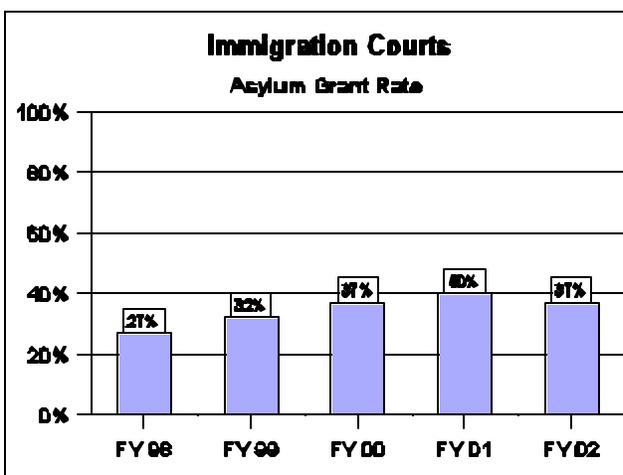
Immigration Courts: Disposition of Asylum Cases

During removal proceedings, an alien may request asylum as relief from removal. The immigration judge must then decide whether to deny or grant an alien's application for asylum. If the asylum applicant fails to appear for a scheduled court hearing, the application is considered abandoned. In other instances, the asylum applicant chooses to withdraw his or her application for asylum. EOIR tracks each of these possible outcomes as completed cases: grants, denials, withdrawals, and abandoned applications for asylum.

A substantial number of closed cases do not fall into one of the four categories listed above, and are counted as "other" asylum completions, e.g., change of venue to another court. Further, in some instances, an alien with a pending asylum claim may apply for and be granted some other type of relief besides asylum, and this is also recorded as an "other" completion.

The Immigration Reform and Immigrant Responsibility Act of 1996 provided that refugee status or asylum could be granted to as many as 1,000 applicants annually whose claims were based on coercive population control (CPC). Immigration judges began granting asylum based on CPC in FY 1997. Grants of asylum based on CPC are conditional grants. At the end of each year, INS and EOIR determine the number of grants based on CPC; the condition is removed for all cases within the annual cap.

Figure 15 provides the asylum grant rate for the past five years. The grant rate compares only grants and denials, not grants and total asylum completions. Grants include conditional grants. The number and percent of aliens granted asylum increased from FY 1998 to FY 2001. In FY 2002, the number of grants continued to increase, but the grant rate fell slightly to 37 percent.



Asylum Grant Rate			
	Grants	Denials	Grant Rate
FY 02	10,978	18,395	37%
FY 01	9,994	15,028	40%
FY 00	9,220	16,027	37%
FY 99	8,416	18,167	32%
FY 98	7,316	20,218	27%

Figure 15

Figure 16 illustrates graphically all asylum case completions. The number of denials clearly decreased from FY 1998 through FY 2001, but in FY 2002 showed a 22 percent increase. Similarly, the number of “other” asylum completions decreased steadily from FY 1998 to FY 2001. Some of this decrease is attributed to the creation of the “withdrawn” and “abandoned” categories of completions. Another reason for the large number of “other” completions in FY 1998 was a significant number of administrative closures under the Nicaraguan Adjustment and Central American Relief Act of 1997. The number of asylum grants in FY 2002 was 50 percent higher than the number of grants in FY 1998.

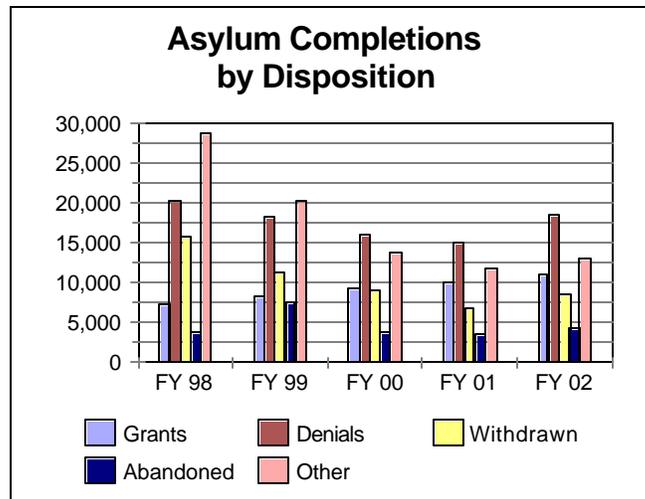


Figure 16

Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 02	10,978	18,395	8,546	4,237	13,161	55,317
FY 01	9,994	15,028	6,846	3,675	11,879	47,422
FY 00	9,220	16,027	9,150	3,893	13,799	52,089
FY 99	8,416	18,167	11,401	7,520	20,140	65,644
FY 98	7,316	20,218	15,746	3,804	28,605	75,689

Table 8, shown on page K3, provides information on the FY 2002 asylum grant rate for each individual immigration court.

Table 8 - FY 2002 Asylum Grant Rate by Immigration Court

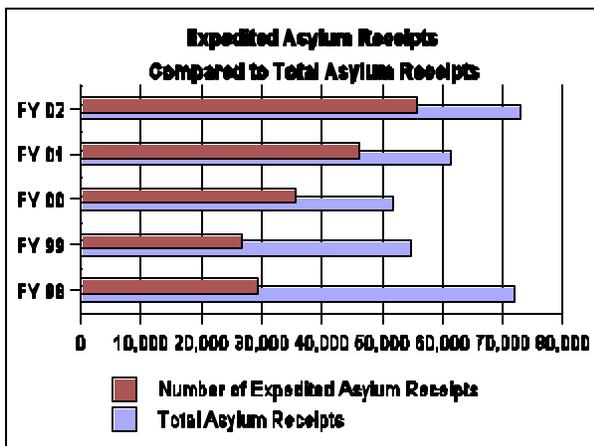
Immigration Court	Denials	Grant	Conditional Grants	Grant Rate
ARLINGTON, VIRGINIA	428	168	8	29%
ATLANTA, GEORGIA	232	69	1	23%
BALTIMORE, MARYLAND	560	295	11	35%
BATAVIA SPC, NEW YORK	25	1	0	4%
BOSTON, MASSACHUSETTS	396	233	6	38%
BRADENTON COUNTY JAIL, FLORIDA	87	3	1	4%
BUFFALO, NEW YORK	75	3	2	6%
CHICAGO, ILLINOIS	655	283	13	31%
DALLAS, TEXAS	258	150	9	38%
DENVER, COLORADO	206	116	6	37%
DETROIT, MICHIGAN	590	208	2	26%
EAST/OTAY MESA, CALIFORNIA	11	3	1	27%
EL CENTRO, CALIFORNIA	54	4	0	7%
EL PASO, TEXAS	73	13	0	15%
ELIZABETH SPC, NEW JERSEY	213	86	11	31%
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	113	2	0	2%
FLORENCE, ARIZONA	23	5	1	21%
HARLINGEN, TEXAS	12	8	2	45%
HARTFORD, CONNECTICUT	171	64	3	28%
HONOLULU, HAWAII	94	68	58	57%
HOUSTON SERVICE PROCESSING CENTER, TEXAS	40	5	0	11%
HOUSTON, TEXAS	248	72	2	23%
IMPERIAL, CALIFORNIA	7	1	0	13%
KROME NORTH SPC, FLORIDA	248	23	1	9%
LAS VEGAS, NEVADA	76	32	1	30%
LOS ANGELES, CALIFORNIA	1,986	1,035	75	36%
MEMPHIS, TENNESSEE	245	99	0	29%
MIAMI, FLORIDA	3,224	1,136	10	26%
MIRA LOMA DETENTION FACILITY, CALIFORNIA	118	12	0	9%
NEW ORLEANS, LOUISIANA	79	14	2	17%
NEW YORK CITY, NEW YORK	4,165	1,918	1,893	48%
NEW YORK STATE DOC- FISHKILL, NEW YORK	14	0	0	0%
NEW YORK DOC - ULSTER, NEW YORK	0	1	0	100%
NEW YORK VARICK SPC, NEW YORK	203	12	3	7%
NEWARK, NEW JERSEY	528	243	64	37%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	10	1	0	9%
ORLANDO, FLORIDA	426	363	25	48%
PHILADELPHIA, PENNSYLVANIA	368	197	21	37%
PHOENIX, ARIZONA	33	67	13	71%
PORT ISABEL SPC, TEXAS	11	4	0	27%
PORTLAND, OREGON	42	43	0	51%
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK		177	83	2 32%
SAN ANTONIO, TEXAS	57	32	0	36%
SAN DIEGO, CALIFORNIA	305	160	1	35%
SAN FRANCISCO, CALIFORNIA	915	1,178	18	57%
SAN JUAN, PUERTO RICO	20	4	0	17%
SAN PEDRO, CALIFORNIA	13	7	0	35%
SEATTLE, WASHINGTON	245	52	13	21%
ST. PAUL, MINNESOTA	209	63	3	24%
TUCSON, ARIZONA	5	3	0	38%
YORK COUNTY PRISON, PENNSYLVANIA	102	53	1	35%
Total	18,395	8,695	2,283	37%

Immigration Courts: Expedited Asylum Cases

There are two ways that aliens may request asylum: “affirmatively,” by completing an asylum application and filing it with an INS Asylum Office; or “defensively” by requesting asylum before an Immigration Judge in removal proceedings. Aliens who file affirmatively with INS, but whose requests for asylum are not granted, are placed in removal proceedings and referred to the appropriate Immigration Court for further review of the case.

Asylum regulations implemented in 1995 called for asylum applications to be processed within 180 days after filing. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 reiterated that time frame and calls for the administrative adjudication of an asylum application within 180 days of the application filing date, absent exceptional circumstances. This process is time sensitive because the asylum applicant may not apply for employment authorization until 150 days after filing, and INS then has 30 days to grant or deny employment authorization. Consequently, expedited processing of asylum applications occurs when (1) an alien files “affirmatively” at an INS Asylum Office and the application is referred to EOIR within 75 days of filing; or (2) an alien files an asylum application “defensively” with EOIR.

As shown in Figure 17 below, the number of expedited asylum cases has increased since FY 2000.



	Number of Expedited Asylum Receipts	Total Asylum Receipts
FY 02	55,787	72,956
FY 01	46,025	61,500
FY 00	35,742	51,748
FY 99	26,696	54,829
FY 98	29,303	72,080

Figure 17

Depicted in Figure 18 below are the number of receipts and completions for expedited asylum cases between FY 1998 and FY 2002.

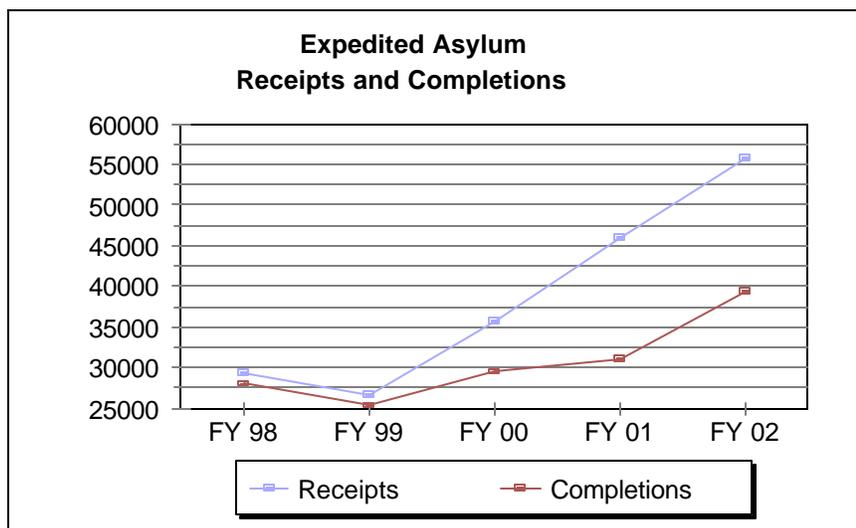


Figure 18

Expedited Asylum Receipts and Completions FY 1998 - FY 2002		
	Receipts	Completions
FY 02	55,787	39,382
FY 01	46,025	30,999
FY 00	35,742	29,454
FY 99	26,696	25,330
FY 98	29,303	27,982

One of EOIR's FY 2002 goals was to complete 90 percent of expedited asylum cases within 180 days. As shown in Table 9, this goal was met for FY 2002 (91%).

Table 9 - Completion Times for Expedited Asylum Cases

Days at Completions	# of Cases	% of Total
180 or Less	35,743	91%
181-260	1,481	4%
Over 260 days	2,158	5%
Total	39,382	100%

Immigration Courts: Convention Against Torture

In 1999, the Department of Justice implemented regulations regarding the United Nations Convention Against Torture (CAT). Under these regulations, aliens in removal, deportation, or exclusion proceedings may claim that they “more likely than not” will be tortured if removed from the United States. The regulation provides jurisdiction to the immigration courts to hear these claims, and provides jurisdiction to the BIA to hear appeals from the immigration courts’ decisions regarding CAT claims.

There are two forms of protection under the 1999 regulations:

- The regulation established a new form of withholding of removal which is granted to an alien in removal proceedings who establishes that he or she would be tortured in the proposed country of removal.
- The second protection concerns aliens who would be tortured in the country of removal, but who are barred from withholding of removal. These aliens may be granted deferral of removal, a less permanent form of protection than withholding of removal, and one that is more easily and quickly terminated if it becomes possible to remove the alien.

As shown in Table 10 below, the immigration courts completed 24,576 CAT cases during FY 2002. Of those, 558 CAT cases were granted: 87 percent were granted withholding of removal and 13 percent were granted deferral of removal.

The grant rate for CAT cases was approximately 3 percent in FY 2002. This percentage is calculated based only on grants and denials, and does not consider abandoned applications, withdrawn applications, or other case closures.

Table 10
FY 2002 Convention Against Torture Cases by Disposition

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
483	75	558	16,744	4,273	2,569	432	24,576

Table 11 on the following page shows a breakdown of CAT completions by immigration courts. The Los Angeles, CA; Miami, FL; New York City, NY; and San Francisco, CA immigration courts combined completed more than half of the total FY 2002 CAT cases.

Table 11 - FY 2002 Convention Against Torture Completions by Court

Immigration Court	Completions
ARLINGTON, VIRGINIA	456
ATLANTA, GEORGIA	239
BALTIMORE, MARYLAND	705
BATAVIA SPC, NEW YORK	23
BOSTON, MASSACHUSETTS	445
BRADENTON COUNTY JAIL, FLORIDA	138
BUFFALO, NEW YORK	76
CHICAGO, ILLINOIS	709
DALLAS, TEXAS	374
DENVER, COLORADO	158
DETROIT, MICHIGAN	719
EAST/OTAY MESA, CALIFORNIA	8
EL CENTRO, CALIFORNIA	68
EL PASO, TEXAS	75
ELIZABETH SPC, NEW JERSEY	409
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	147
FLORENCE, ARIZONA	39
HARLINGEN, TEXAS	13
HARTFORD, CONNECTICUT	186
HONOLULU, HAWAII	235
HOUSTON SERVICE PROCESSING CENTER, TEXAS	35
HOUSTON, TEXAS	46
IMPERIAL, CALIFORNIA	9
KROME NORTH SPC, FLORIDA	291
LAS VEGAS, NEVADA	71
LOS ANGELES, CALIFORNIA	3,005
MEMPHIS, TENNESSEE	397
MIAMI, FLORIDA	4,155
MIRA LOMA DETENTION FACILITY, CALIFORNIA	145
NEW ORLEANS, LOUISIANA	83
NEW YORK CITY, NEW YORK	5,424
NEW YORK STATE DOC- FISHKILL, NEW YORK	71
NEW YORK DOC - ULSTER, NEW YORK	21
NEW YORK VARICK SPC, NEW YORK	243
NEWARK, NEW JERSEY	715
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	107
ORLANDO, FLORIDA	631
PHILADELPHIA, PENNSYLVANIA	638
PHOENIX, ARIZONA	8
PORT ISABEL SPC, TEXAS	12
PORTLAND, OREGON	15
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK	
SAN ANTONIO, TEXAS	51
SAN DIEGO, CALIFORNIA	400
SAN FRANCISCO, CALIFORNIA	1,261
SAN JUAN, PUERTO RICO	154
SAN PEDRO, CALIFORNIA	115
SEATTLE, WASHINGTON	343
ST. PAUL, MINNESOTA	372
TUCSON, ARIZONA	7
YORK COUNTY PRISON, PENNSYLVANIA	219
Total	24,576

310

Immigration Courts: Proceedings Completed with Applications for Relief

Some aliens who are found deportable may be eligible for relief from removal. Aliens apply for various forms of relief by completing the appropriate application. Specific types of relief for aliens in proceedings are discussed in other sections of this Year Book. Asylum is addressed in more detail in Tabs I, J, K, and L. Cancellation of removal, another form of relief, is addressed in Tab R. Tab M provides information about protection afforded certain aliens under the United Nations Convention Against Torture. For the purpose of this Year Book, voluntary departure (discussed in Tab Q) is not considered an application for relief.

Figure 19 provides information on the percent of cases where the alien filed an application for relief. Generally, cases with no applications for relief are processed faster and expend fewer court resources.

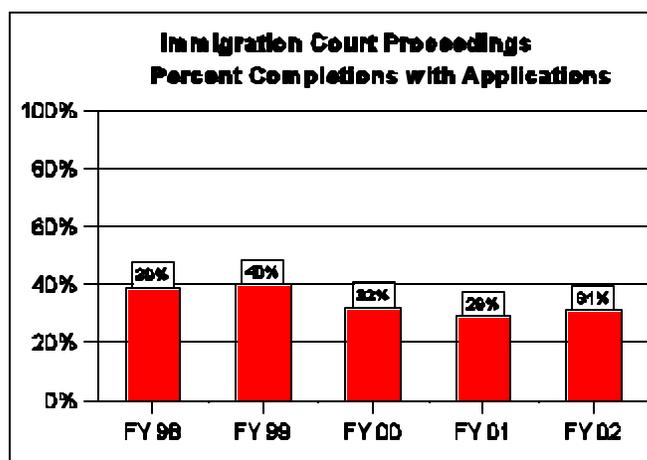


Figure 19

Court Completions (Proceedings) with Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 02	71,620	31%	157,765	69%	229,385
FY 01	62,782	29%	155,863	71%	218,645
FY 00	68,391	32%	147,221	68%	215,612
FY 99	85,844	40%	131,233	60%	217,077
FY 98	91,351	39%	142,027	61%	233,378

Table 12 on page N2 shows the number and percentage of proceedings completed with applications for relief at each immigration court in FY 2002. Typically, courts along the United States border, courts co-located with INS detention facilities, and courts which handle Institutional Hearing Program cases involving criminal aliens receive fewer applications for relief. Courts with a low percentage of applications for relief (10 percent or less) are shown in red. Courts where 65 percent or more of the completions involved applications for relief are shown in blue.

Table 12 - FY 2002 Immigration Court Completions (Proceedings) With Applications for Relief

Immigration Court	Total Completions	#of Completions With Applications	Percent With Applications	
ARLINGTON, VIRGINIA	4,021	1,678	42%	
ATLANTA, GEORGIA	3,612	866	24%	
BALTIMORE, MARYLAND	3,038	1,697	56%	
BATAVIA SPC, NEW YORK	843	99	12%	
BOSTON, MASSACHUSETTS	4,293	1,654	39%	
BRADENTON COUNTY JAIL, FLORIDA	2,538	296	12%	
BUFFALO, NEW YORK	2,332	289	12%	
CHICAGO, ILLINOIS	10,309	2,813	27%	
DALLAS, TEXAS	4,503	1,155	26%	
DENVER, COLORADO	4,750	951	20%	
DETROIT, MICHIGAN	3,835	1,670	44%	
EAST/OTAY MESA, CALIFORNIA	2,366	185	8%	
EL CENTRO, CALIFORNIA	3,303	278	8%	
EL PASO, TEXAS	9,360	430	5%	
ELIZABETH SPC, NEW JERSEY	554	425	77%	
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	7,232	595	8%	
FLORENCE, ARIZONA	4,084	132	3%	
HARLINGEN, TEXAS	10,054	262	3%	
HARTFORD, CONNECTICUT	1,597	528	33%	
HONOLULU, HAWAII	808	442	55%	
HOUSTON SERVICE PROCESSING CENTER, TEXAS	2,606	133	5%	
HOUSTON, TEXAS	4,874	1,079	22%	
IMPERIAL, CALIFORNIA	1,890	208	11%	
KROME NORTH SPC, FLORIDA	3,717	522	14%	
LAS VEGAS, NEVADA	3,016	573	19%	
LOS ANGELES, CALIFORNIA	17,494	13,758	79%	
MEMPHIS, TENNESSEE	1,720	755	44%	
MIAMI, FLORIDA	12,718	8,121	64%	
MIRA LOMA DETENTION FACILITY, CALIFORNIA	5,802	359	6%	
NEW ORLEANS, LOUISIANA	1,681	197	12%	
NEW YORK CITY, NEW YORK	17,077	12,689	74%	
NEW YORK STATE DOC- FISHKILL, NEW YORK	724	108	15%	
NEW YORK STATE DOC - ULSTER, NEW YORK	827	46	6%	
NEW YORK VARICK SPC, NEW YORK	1,359	432	32%	
NEWARK, NEW JERSEY	5,663	1,959	35%	
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,065	220	11%	
ORLANDO, FLORIDA	2,542	1,391	55%	
PHILADELPHIA, PENNSYLVANIA	1,994	1,103	55%	
PHOENIX, ARIZONA	2,155	462	21%	
PORT ISABEL SPC, TEXAS	6,225	92	1%	
PORTLAND, OREGON	1,467	315	21%	
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK		596	361	61%
SAN ANTONIO, TEXAS	13,586	552	4%	
SAN DIEGO, CALIFORNIA	7,068	1,522	22%	
SAN FRANCISCO, CALIFORNIA	7,823	5,547	71%	
SAN JUAN, PUERTO RICO	2,258	328	15%	
SAN PEDRO, CALIFORNIA	2,763	252	9%	
SEATTLE, WASHINGTON	5,083	963	19%	
ST. PAUL, MINNESOTA	2,012	654	33%	
TUCSON, ARIZONA	3,716	91	2%	
YORK COUNTY PRISON, PENNSYLVANIA	3,432	383	11%	
Total	229,385	71,620	31%	

■ Courts with a low percentage of applications for relief
 ■ Courts with a high percentage of applications for relief

Immigration Courts: Proceedings Completed for Detained Cases

Under the Immigration and Nationality Act, INS has authority to detain an alien pending a decision on whether or not the alien is removable. Immigration courts conduct hearings for both detained and non-detained aliens, and EOIR maintains data on the custody status of aliens in proceedings.

Detention locations include INS Service Processing Centers (SPCs), INS contract detention facilities, state and local government jails, and Bureau of Prisons (BOP) institutions. For the purpose of this Year Book, Institutional Hearing Program (IHP) cases are considered detained cases (IHP is discussed further in Tab P). Figure 20 below provides a comparison of detained completions to total proceedings completed. For the period FY 1998 – FY 2002, detained completions ranged from 31 to 35 percent of total completions.

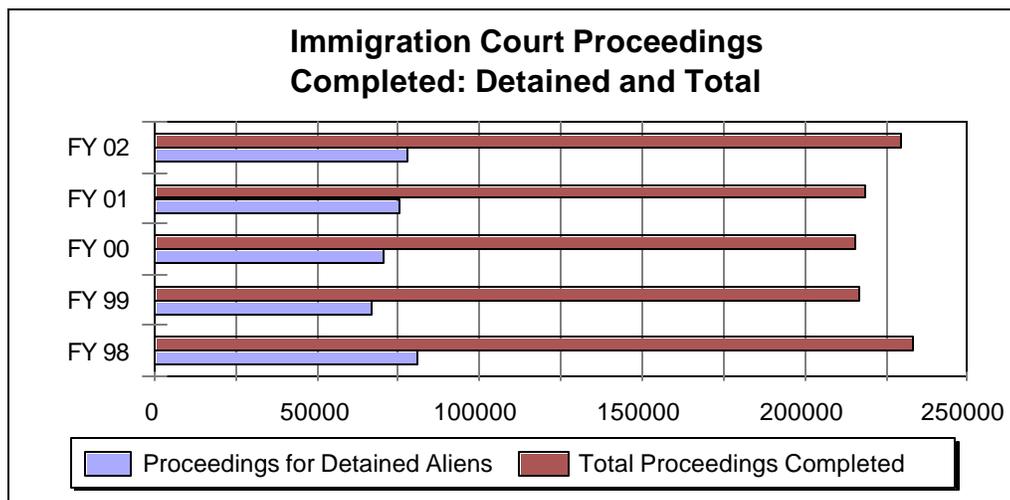


Figure 20

Immigration Court (Proceedings) Completions			
	Proceedings Completed for Detained Aliens (Including IHP)		
	Proceedings for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 02	77,648	229,385	34%
FY 01	75,225	218,645	34%
FY 00	70,664	215,612	33%
FY 99	67,194	217,077	31%
FY 98	80,922	233,378	35%

Table 13 on the following page provides information, by immigration court, on FY 2002 detained completions. The immigration courts in Chicago, IL; El Paso, TX; Eloy, AZ; and Mira Loma Detention Facility, CA each completed more than 4,000 proceedings in detained cases in FY 2002. Overall, immigration courts located in three border States – Texas, California, and Arizona – accounted for 56 percent of the detained completions in FY 2002. Courts in those three States are highlighted in blue in Table 13.

Table 13 - FY 2002 Immigration Court Completions (Proceedings) for Detained Cases

Immigration Court	Completions
ARLINGTON, VIRGINIA	546
ATLANTA, GEORGIA	1,147
BALTIMORE, MARYLAND	394
BATAVIA SPC, NEW YORK	827
BOSTON, MASSACHUSETTS	710
BRADENTON COUNTY JAIL, FLORIDA	2,241
BUFFALO, NEW YORK	92
CHICAGO, ILLINOIS	4,434
DALLAS, TEXAS	2,103
DENVER, COLORADO	2,490
DETROIT, MICHIGAN	889
EAST/OTAY MESA, CALIFORNIA	2,329
EL CENTRO, CALIFORNIA	3,017
EL PASO, TEXAS	4,457
ELIZABETH SPC, NEW JERSEY	509
ELOY BUREAU OF PRISONS FACILITY, ARIZONA	6,381
FLORENCE, ARIZONA	2,219
HARLINGEN, TEXAS	135
HARTFORD, CONNECTICUT	561
HONOLULU, HAWAII	257
HOUSTON SERVICE PROCESSING CENTER, TEXAS	1,963
HOUSTON, TEXAS	860
IMPERIAL, CALIFORNIA	1,428
KROME NORTH SPC, FLORIDA	1,328
LAS VEGAS, NEVADA	1,627
LOS ANGELES, CALIFORNIA	201
MEMPHIS, TENNESSEE	402
MIAMI, FLORIDA	1,154
MIRA LOMA DETENTION FACILITY, CALIFORNIA	4,260
NEW ORLEANS, LOUISIANA	691
NEW YORK CITY, NEW YORK	43
NEW YORK STATE DOC - FISHKILL, NEW YORK	719
NEW YORK STATE DOC - ULSTER, NEW YORK	816
NEW YORK VARICK SPC, NEW YORK	126
NEWARK, NEW JERSEY	1,623
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	1,922
ORLANDO, FLORIDA	182
PHILADELPHIA, PENNSYLVANIA	277
PHOENIX, ARIZONA	334
PORT ISABEL SPC, TEXAS	1,661
PORTLAND, OREGON	864
JAMAICA/QUEENS DETENTION FACILITY, NEW YORK	
SAN ANTONIO, TEXAS	3,515
SAN DIEGO, CALIFORNIA	2,919
SAN FRANCISCO, CALIFORNIA	1,067
SAN JUAN, PUERTO RICO	777
SAN PEDRO, CALIFORNIA	1,342
SEATTLE, WASHINGTON	2,599
ST. PAUL, MINNESOTA	830
TUCSON, ARIZONA	3,413
YORK COUNTY PRISON, PENNSYLVANIA	2,426

541

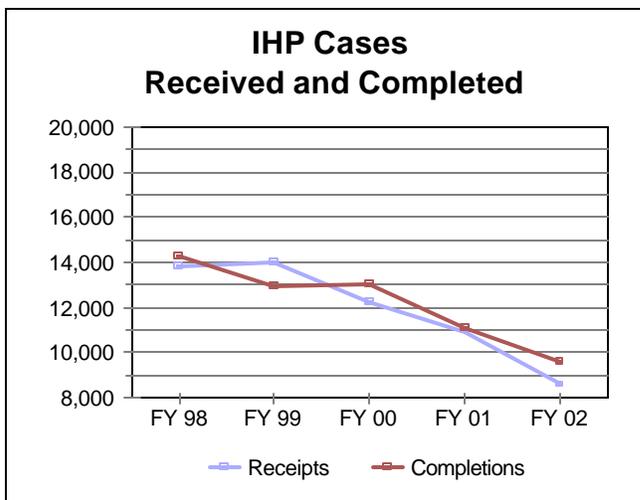
 Immigration Courts in U.S./Mexico Border States

Immigration Courts: Institutional Hearing Program Case Processing

The Institutional Hearing Program (IHP) is a cooperative effort between EOIR; the Immigration and Naturalization Service (INS); and various Federal, State, and municipal corrections agencies. The goal of the IHP is to complete proceedings for incarcerated criminal aliens serving federal or state sentences prior to their release from prison or jail. This allows INS to remove aliens with final orders expeditiously after release from incarceration.

In FY 2002, INS filed charging documents with the immigration courts for incarcerated aliens in 81 different institutions. Immigration judges and court staff travel to these institutions to conduct IHP hearings.

Figure 21 provides information on IHP receipts and completions. IHP receipts have declined since FY 1999. This decline may have been the result of the 1997 implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA authorized INS to decide some cases that previously would have been handled by the immigration courts. Of particular relevance to the IHP are the IIRIRA provisions which allow INS to reinstate prior orders of removal; and the provisions authorizing INS to order the administrative removal of convicted aggravated felons who are not Lawful Permanent Residents and are not eligible for relief.



IHP Cases		
	Receipts	Completions
FY 02	8,608	9,637
FY 01	10,962	11,108
FY 00	12,266	13,067
FY 99	14,014	12,975
FY 98	13,847	14,259

Figure 21

Table 14 provides a breakdown of IHP completions by disposition – either through an immigration judge decision, or through an “other” completion, such as an administrative closure or change of venue.

Table 14
IHP Completions by Disposition

	FY 98	FY 99	FY 00	FY 01	FY 02
Total Decisions in IHP Cases	12,146	10,343	10,320	8,549	7,165
<i>Removal</i>	11,698	9,911	9,901	8,072	6,768
<i>Termination</i>	398	346	285	388	325
<i>Relief</i>	38	77	123	81	63
<i>Other</i>	12	9	11	8	9
Other Completions	2,113	2,632	2,747	2,559	2,472
Total Completions	14,259	12,975	13,067	11,108	9,637

Immigration Courts: Immigration Judge Grants of Voluntary Departure

Under certain circumstances, an immigration judge may allow an alien to depart the United States voluntarily. An alien allowed to depart voluntarily concedes removability, but is not barred from future re-entry. Failure to depart within the time granted subjects the alien to a fine, and makes the alien ineligible for voluntary departure and several forms of relief for a ten-year period.

Prior to the completion of proceedings, aliens may request voluntary departure in lieu of removal. The immigration judge has discretion to grant up to 120 days for the alien to depart voluntarily if the alien is able to pay for his or her removal, and if he or she is not removable as an aggravated felon or a terrorist.

Immigration judges also have discretion in certain cases to grant voluntary departure in lieu of removal at the conclusion of proceedings. If the judge finds that the alien has been present in the United States for one year immediately preceding the issuance of the Notice to Appear, has been a person of good moral character for the past five years, is not removable under aggravated felony or terrorist grounds; and has the means to depart the United States and intends to do so, the immigration judge may grant up to 60 days for the alien to depart voluntarily. Aliens allowed to depart voluntarily are not barred from re-entry.

Voluntary departure is considered a form of removal, not a type of relief. Immigration judge decisions on proceedings (as discussed in Tab D) include grants of voluntary departure under removal. Table 15 shows the percentage of removal orders that are grants of voluntary departure.

Table 15 - IJ Removal Decisions Compared to Voluntarily Departure Decisions

IJ Removal Decisions Compared to Voluntary Departure Decisions			
	Total Removal	Voluntary Departure	Percent Voluntary
	Decisions	Decisions	Departure Decisions
FY 02	135,246	20,157	15%
FY 01	124,833	15,754	13%
FY 00	128,407	19,422	15%
FY 99	129,784	23,140	18%
FY 98	150,463	30,330	20%

Immigration Courts: Applications for Relief other than Asylum

Although asylum is the most common form of relief requested before an Immigration Judge, other forms of relief are also granted to eligible aliens. (See Tabs I-L for information on asylum, and Tab M for information on protection granted under the Convention Against Torture.)

This tab describes other forms of relief such as adjustment of status; suspension and cancellation; and Section 212(c) relief. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided a new form of relief called cancellation of removal. Cancellation of removal was intended to replace the former Immigration and Nationality Act Section 212(c) waiver and suspension of deportation. Table 16 on page R3 provides information on relief granted under the following provisions:

- C Adjustment of Status is a type of relief from deportation, removal, or exclusion, for an alien who is eligible for lawful permanent resident status based on a visa petition approved by the Immigration and Naturalization Service. Normally, the visa petition has been filed by a United States citizen spouse.

- C Prior to the passage of IIRIRA, Section 212(c) of the Immigration and Nationality Act provided relief from deportation for long-term lawful permanent residents who had committed a crime. In order to be eligible to apply for 212(c) relief, an applicant had to show that he or she had been a lawful permanent resident for at least seven years, had served less than five years of a sentence if the underlying crime was classified as an aggravated felony, had been rehabilitated, and had no other criminal record. If an applicant in exclusion or deportation proceedings is able to establish these factors, the immigration judge has discretion to grant relief under 212(c).

- C Suspension of Deportation is another pre-IIRIRA form of discretionary relief. Certain non-lawful permanent resident aliens in deportation proceedings who have maintained continuous physical presence in the United States for specific periods of time, and have met the other statutory requirements may be granted suspension of deportation and adjustment of status to that of lawful permanent resident. The total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal is limited to a 4,000 annual cap under IIRIRA. Applicants for suspension of deportation who applied for this relief prior to the implementation of IIRIRA, or who meet certain conditions of the Nicaraguan Adjustment and Central American Relief Act (NACARA) are not subject to the cap.

C As noted above, Cancellation of Removal is a form of relief provided by IIRIRA. There are two IIRIRA provisions addressing cancellation of removal:

- & Permanent Residents. Under the first provision, a lawful permanent resident facing removal on criminal grounds who has been lawfully admitted for permanent residence for at least five years, and who has resided continuously in the United States for seven years after a lawful admission may request cancellation, provided he or she has no aggravated felony convictions.

- & Nonpermanent Residents. Under the second provision, applicants physically present in the United States for a continuous period of ten years who have not been convicted of a criminal offense may seek cancellation of removal and adjustment of status to permanent resident alien. The applicant must demonstrate exceptional and extremely unusual hardship to a citizen or lawful permanent resident alien spouse, parent or child. IIRIRA limits to 4,000 annually the total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal. Applicants for cancellation of removal who meet certain conditions of the Nicaraguan Adjustment and Central American Relief Act (NACARA) are not subject to the cap.

Table 16 reflects grants of relief under the various provisions described above during the period FY 1998 - FY 2002.

Table 16
Grants of Relief:
Adjustment of Status; 212(c) Waivers; Suspension of Deportation; and Cancellation of Removal

	Relief Granted to Lawful Permanent Residents		Relief Granted to Non-Lawful Permanent Residents				
	Relief Granted Under Section 212(c)	Cancellation of Removal	Not Subject to Annual Cap of 4,000 Grants			Subject to Annual Cap of 4,000 Grants*	
			Adjustment of Status to LPR	Suspension of Deportation	Cancellation of Removal	Suspension of Deportation	Cancellation of Removal
FY 2002	565	1,796	6,997	512	415	404	1,143
FY 2001	455	2,401	6,883	1,219	512	577	1,390
FY 2000	260	2,415	7,764	1,236	690	1,554	1,585
FY 1999	198	1,938	15,015	657	676	2,334	799
FY 1998	284	688	5,100	2,131	143	7,534	343

*The law allowed for a carryover from FY 1997 to FY 1998 of unused grants from the FY 1997 allotment of 4,000 grants.

Board of Immigration Appeals: Total Cases Received and Completed

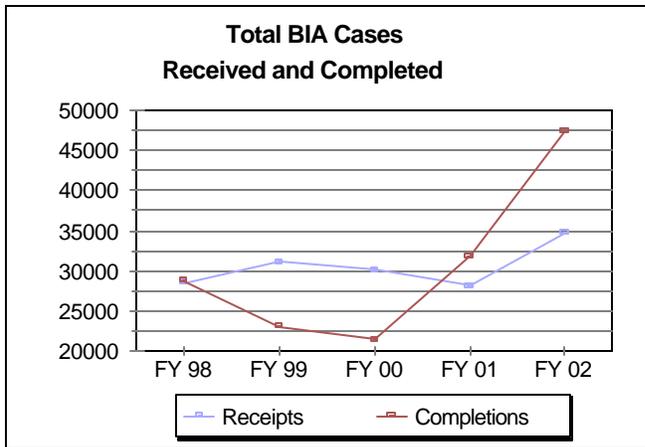
The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges or INS district or regional service center directors. BIA decisions are binding on all INS officers and immigration judges unless modified or overruled by the Attorney General or a federal court.

The majority of cases reviewed by the BIA involve decisions made in removal, deportation, or exclusion proceedings, and for the purposes of this Statistical Year Book are referred to as IJ appeals. These appeals are filed directly with the BIA in Falls Church, VA, and must be filed within 30 days of the IJ decisions.

Other types of cases over which the BIA has jurisdiction include appeals of certain INS decisions involving (1) family-based visa petitions adjudicated by INS district directors or regional service center directors; (2) fines and penalties imposed upon carriers for violations of immigration laws; and (3) bonds set subsequent to an immigration judge's ruling. For the purposes of this Statistical Year Book, appeals from these INS decisions are referred to as INS decision appeals.

As shown in Figure 22 on page S2, BIA case receipts were fairly constant from FY 1998 to FY 2001. In FY 2002, there was a 23 percent increase in receipts over FY 2001.

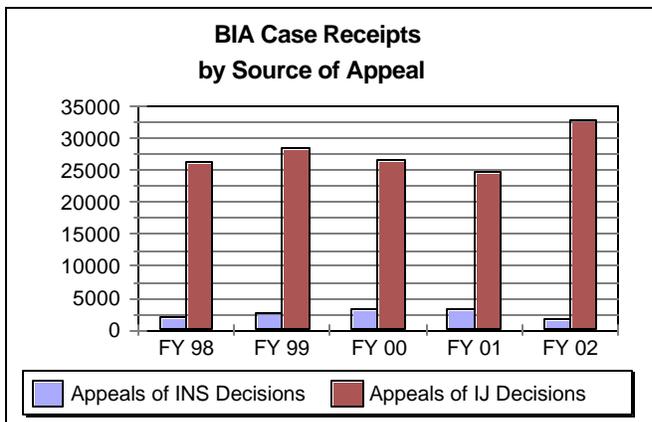
The data in Figure 22 indicate significant increases in case completions beginning in FY 2001. In response to a growing caseload, the BIA has initiated a variety of management and regulatory improvements to increase efficiency while maintaining due process guarantees. In late FY 2000, the BIA's Streamlining Initiative was launched. Published regulations allowed for noncontroversial cases that met specified criteria to be reviewed and adjudicated by a single Board Member. Streamlining helped the BIA increase its output in FY 2001 by almost 50 percent over FY 2000. In February 2002, the Department of Justice proposed a regulatory amendment to address additional procedural changes at the BIA. The regulation, which became final in September 2002, imposes time frames for the adjudicatory process at the BIA. In FY 2002, the BIA again increased completions by almost 50 percent over the prior year.



	Receipts	Completions
FY 02	34,653	47,321
FY 01	28,140	31,797
FY 00	30,050	21,378
FY 99	31,098	23,012
FY 98	28,475	28,763

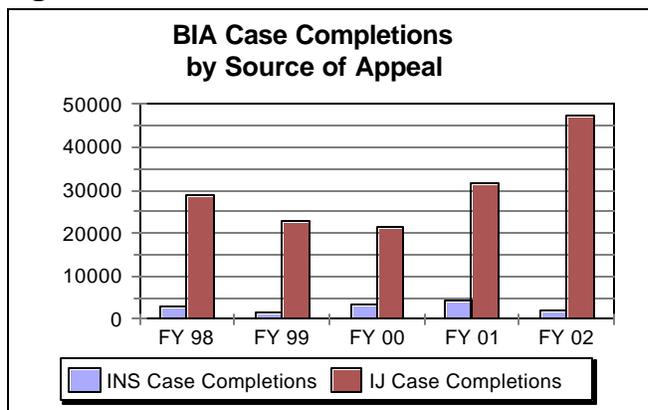
Figure 22

As noted above, BIA handles two types of cases: those generated from an IJ decision, and those generated from an INS decision. Figures 23 and 24 below provide information on the types of cases received and completed by the BIA. Appeals of IJ decisions make up the bulk of the BIA's work.



	Appeals of INS Decisions	Appeals of IJ Decisions	Total Appeals
FY 02	1,670	32,983	34,653
FY 01	3,350	24,790	28,140
FY 00	3,432	26,618	30,050
FY 99	2,674	28,424	31,098
FY 98	2,126	26,349	28,475

Figure 23



	INS Case Completions	IJ Case Completions	Total Appeals
FY 02	2,086	45,235	47,321
FY 01	4,523	27,274	31,797
FY 00	3,253	18,125	21,378
FY 99	1,680	21,332	23,012
FY 98	2,924	25,839	28,763

Figure 24

Board of Immigration Appeals: Cases Received and Completed by Type of Case

The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by Immigration Judges or INS officials. The BIA has jurisdiction over the following types of cases arising from Immigration Judge decisions:

- Case appeals from the decisions of immigration judges in removal, deportation, and exclusion proceedings at the court level;
- Appeals filed from the decisions of immigration judges on motions to reopen proceedings;
- Motions to reopen cases already decided by the BIA;
- Appeals pertaining to bond, parole, or detention; and
- Interlocutory appeals relating to important jurisdictional questions regarding the administration of the immigration laws or recurring problems in the handling of cases by immigration judges.

The BIA also has jurisdiction to review appeals arising from certain decisions rendered by INS officials. These types of appeals are listed below. Until FY 2000, when a revised regulation was published regarding detention of aliens with removal orders, BIA also had jurisdiction to review custody determinations (bonds) for aliens with final orders of removal.

- Family-based visa petitions adjudicated by INS district directors or regional service center directors;
- Waivers of inadmissibility for non-immigrants under the §212(c)(3) of the Immigration and Nationality Act; and
- Fines and penalties imposed upon air carriers for violations of immigration laws.

As shown in Table 17, the largest increases in case receipts in FY 2002 were in IJ case appeals, and in motions to reopen or reconsider before the BIA. The data in Table 18 show increases in case completions for all types of appeals from IJ decisions except interlocutory appeals.

Table 17 includes a breakdown of the types of cases received by the BIA between FY 1998 and FY 2002.

Table 17 - BIA Receipts by Type

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Total Appeals from IJ Decisions	26,349	28,424	26,618	24,790	32,983
Case Appeal	21,126	22,365	21,368	18,957	21,952
Appeal of IJ Motion to Reopen	1,648	1,609	1,969	1,808	2,062
Motion to Reopen-BIA	2,542	3,433	2,532	3,400	7,202
Bond Appeal	821	882	633	528	1,681
Interlocutory Appeal	212	135	116	97	86
Total Appeals from INS Decisions	2,126	2,674	3,432	3,350	1,670
Decisions on Visa Petitions	1,999	1,300	1,228	1,129	1,129
212 Waiver Decisions	67	33	45	20	31
Decisions on Fines and Penalties	52	1,268	2,050	2,192	508
Bond Decisions	8	73	109	9	2
Grand Total	28,475	31,098	30,050	28,140	34,653

Table 18 includes a breakdown of the types of cases completed by the BIA between FY 1998 and FY 2002.

Table 18 - BIA Completions by Type

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Total Appeals from IJ Decisions	25,839	21,332	18,125	27,274	45,235
Case Appeal	20,291	15,942	12,934	20,567	34,262
Appeal of IJ Motion to Reopen	1,315	1,672	1,020	2,237	3,466
Motion to Reopen-BIA	3,164	2,604	3,287	3,748	6,377
Bond Appeal	836	923	777	602	1,033
Interlocutory Appeal	233	191	107	120	97
Total Appeals from INS Decisions	2,924	1,680	3,253	4,523	2,086
Decisions on Visa Petitions	2,818	1,312	1,256	1,270	1,357
212 Waiver Decisions	87	25	38	25	52
Decisions on Fines and Penalties	13	329	1,790	3,216	673
Bond Decisions	6	14	169	12	4
Grand Total	28,763	23,012	21,378	31,797	47,321

Board of Immigration Appeals: IJ Decision Appeals Completed by Nationality

This section provides information on appeal completions by nationality. Only completions of immigration judge decision appeals are included in these data; we have not included appeals of INS decisions. In FY 2002, the top 10 nationalities accounted for 68 percent of all completions as shown in Figure 25. A total of 185 nationalities were represented in the FY 2002 completions. Data in Table 19 compare the predominant nationalities for completed Immigration Judge appeals in fiscal years 1998-2002. For the five-year period, eight nationalities ranked among the top ten each year: Mexico, El Salvador, Guatemala, Haiti, Dominican Republic, Jamaica, India, and China.

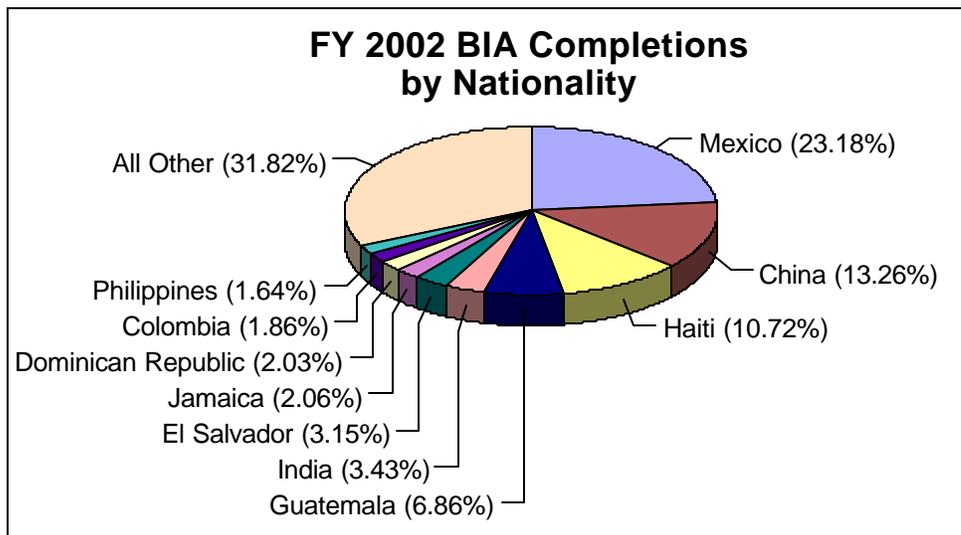


Figure 25

FY 2002 IJ Appeals Completed by Nationality		
Nationality	Cases	% of Total
Mexico	10,486	23.18%
China	5,997	13.26%
Haiti	4,848	10.72%
Guatemala	3,104	6.86%
India	1,550	3.43%
El Salvador	1,423	3.15%
Jamaica	931	2.06%
Dominican Republic	920	2.03%
Colombia	841	1.86%
Philippines	742	1.64%
All Other	14,393	31.82%
Total	45,235	100.00%

**Table 19 - BIA - IJ Decision Appeals Completed by Nationality
Top 25 Nationalities: FY 1998 - FY 2002**

Rank	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
1	Nicaragua	Mexico	Mexico	Mexico	Mexico
2	Mexico	China	China	El Salvador	China
3	Haiti	El Salvador	El Salvador	China	Haiti
4	China	Honduras	Dominican Republic	Haiti	Guatemala
5	Guatemala	Guatemala	Guatemala	Guatemala	India
6	El Salvador	Dominican Republic	Haiti	Cuba	El Salvador
7	Dominican Republic	Nicaragua	Jamaica	Dominican Republic	Jamaica
8	Jamaica	Jamaica	India	India	Dominican Republic
9	India	Haiti	Philippines	Jamaica	Colombia
10	Cuba	India	Nigeria	Philippines	Philippines
11	Honduras	Nigeria	Cuba	Nigeria	Peru
12	Nigeria	Cuba	Colombia	Colombia	Nigeria
13	Philippines	Philippines	Peru	Peru	Mauritania
14	Colombia	Colombia	Nicaragua	Honduras	Pakistan
15	Vietnam	Vietnam	Liberia	Pakistan	Bangladesh
16	Pakistan	Peru	Pakistan	Nicaragua	Somalia
17	Peru	Pakistan	Honduras	Ethiopia	Honduras
18	Ethiopia	Yugoslavia	Vietnam	Bangladesh	Cuba
19	Bangladesh	Laos	Iran	Vietnam	Ethiopia
20	Afghanistan	Trinidad and Tobago	Trinidad and Tobago	Yugoslavia	Albania
21	Trinidad and Tobago	Iran	Guyana	Iran	Nicaragua
22	Romania	Bangladesh	Ethiopia	Guyana	Yugoslavia
23	Ghana	Romania	Yugoslavia	Ecuador	Russia
24	Sierra Leone	Ethiopia	Bangladesh	Trinidad and Tobago	Iran
25	Yugoslavia	Guyana	Ecuador	Ghana	Ecuador

Board of Immigration Appeals: IJ Decision Appeals Completed by Representation Status

The Immigration and Nationality Act states that individuals who have appealed the decision in their removal proceedings may be represented by counsel, but at no expense to the Government. Before representing an alien before the Board of Immigration Appeals (BIA), representatives must file a Notice of Appearance with the BIA.

Many individuals who file appeals with the BIA are indigent and cannot afford a private attorney. Some seek free or *pro bono* representation, while others proceed without counsel on their own, or *pro se*. The percentage of represented appellate cases completed is higher than the percentage of represented cases at the immigration court level.

As shown in Figure 26, the representation rate has gradually increased and in FY 2002, 65 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of IJ decisions are included in these data.

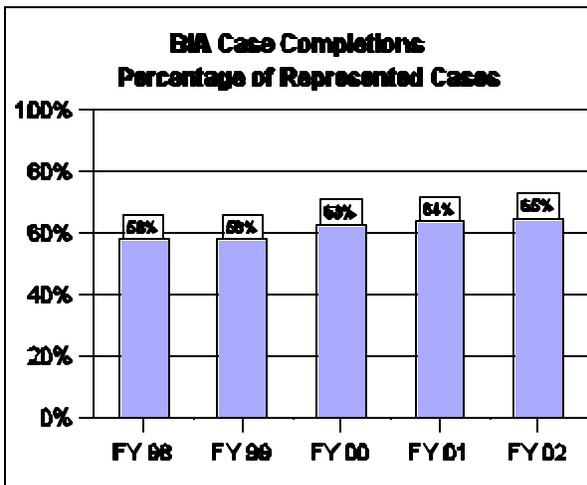


Figure 26

	Represented	Unrepresented	Total
FY 02	29,553	15,682	45,235
FY 01	17,372	9,902	27,274
FY 00	11,370	6,755	18,125
FY 99	12,337	8,995	21,332
FY 98	15,041	10,798	25,839

Board of Immigration Appeals: IJ Decision Appeals Completed for Detained Cases

Under the Immigration and Nationality Act, INS has authority to detain an alien pending a decision on whether or not the alien is removable. EOIR maintains data on the custody status of aliens in proceedings. The Board of Immigration Appeals (BIA) handles detained cases (including aliens in the Institutional Hearing Program (IHP)) as priority cases.

Depicted in Figure 27 is the number of immigration judge case appeal decisions between FY 1998 and FY 2002 along with the number of immigration judge case appeal decisions that involved detainees. The figures for detained appeal decisions also include IHP cases.

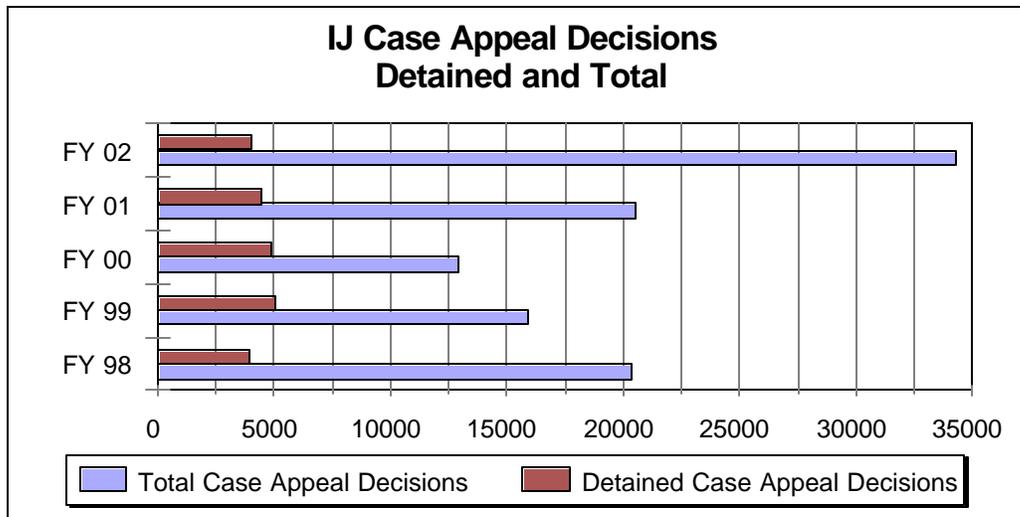


Figure 27

Detained IJ Case Appeal Decisions (Including IHP)			
	Detained Case Appeal Decisions (Including IHP)	Total IJ Case Appeal Decisions	Percent Detained
FY 02	3,965	34,262	12%
FY 01	4,438	20,567	22%
FY 00	4,883	12,934	38%
FY 99	5,030	15,942	32%
FY 98	3,926	20,291	19%

Table 20 shows a breakdown of total detained case appeals completed by the BIA, and of those, the number who were serving sentences at an IHP location. In FY 2002, 29 percent of detained BIA completions involved aliens whose removal orders had been issued prior to their release from a Federal, State, or municipal facility. This drop in the percentage of IHP completions is consistent with the decline in IHP receipts and completions at the court level as reported in Tab P.

Table 20
Breakdown of BIA Detained Completions

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 2002	3,965	1,154	29%
FY 2001	4,438	1,676	38%
FY 2000	4,883	1,955	40%
FY 1999	5,030	2,364	47%
FY 1998	3,926	2,152	55%

Immigration Courts and Board of Immigration Appeals: Immigration Judge Decisions (Proceedings) Appealed

The majority of cases reviewed by the Board of Immigration Appeals (BIA) involve decisions made by immigration judges in removal, deportation, and exclusion proceedings. Either INS or the alien may file an appeal. Appeals must be filed within 30 days of the immigration judge's decision. Only a small percentage of immigration judge decisions are appealed to the BIA. Figure 28 below compares immigration judge decisions with the number of decisions appealed to the BIA for fiscal years 1998 through 2002.

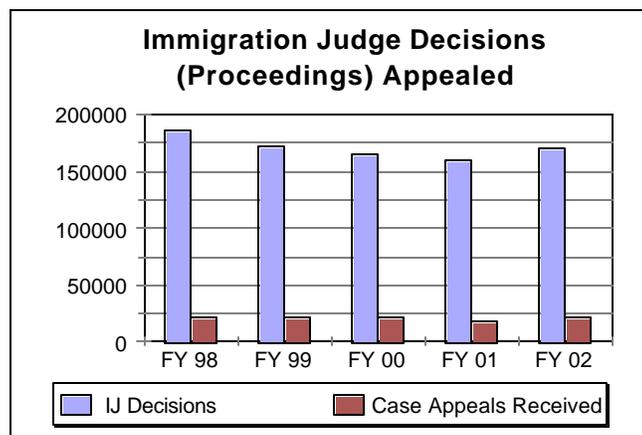


Figure 28

IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received	Percent Appealed
FY 02	170,219	21,952	13%
FY 01	159,801	18,957	12%
FY 00	164,449	21,368	13%
FY 99	172,194	22,365	13%
FY 98	186,734	21,126	11%

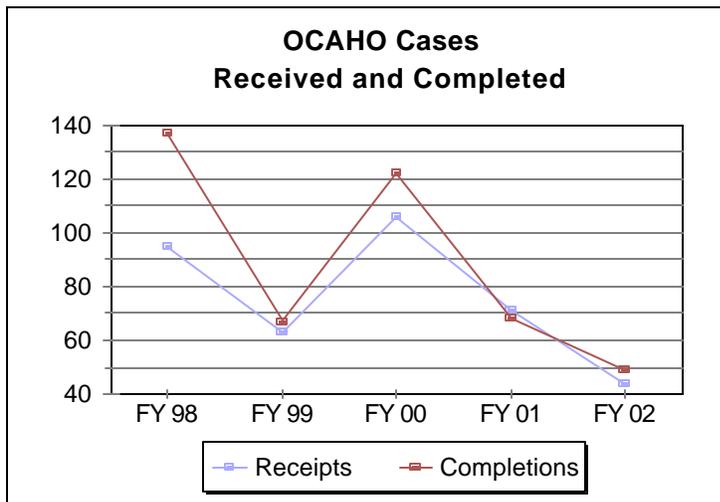
Office of the Chief Administrative Hearing Officer Total Cases Received and Completed

The Office of the Chief Administrative Hearing Officer (OCAHO) is headed by the Chief Administrative Hearing Officer who is responsible for the general supervision of Administrative Law Judges. OCAHO's Administrative Law Judges hear cases and adjudicate issues arising under provisions of the Immigration and Nationality Act relating to:

- Unlawful hiring, recruiting, or referring for a fee, or continued employment of unauthorized aliens, and failure to comply with employment verification requirements;
- Immigration-related unfair employment practices; and
- Document fraud.

Complaints may be brought by the Immigration and Naturalization Service (INS), the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, or private litigants.

Figure 29 provides information on the number of cases received and completed by OCAHO between FY 1998 and FY 2002. Completions may include cases received in a prior fiscal year.



OCAHO Cases		
	Receipts	Completions
FY 02	44	49
FY 01	71	68
FY 00	106	122
FY 99	63	67
FY 98	95	137

Figure 29

GLOSSARY OF TERMS

Disclaimer

This Glossary has been compiled as an addendum to the FY 2002 Statistical Year Book of the Executive Office for Immigration Review (EOIR). Its intent is to define terms as they are used in the Year Book, and is strictly informational in nature. These terms may have further meaning in the context of other immigration matters. This Glossary is not intended, in any way, to substitute for a careful study of the pertinent laws and regulations. This Glossary does not carry the weight of law or regulation. This Glossary is not intended, nor should it be construed in any way, as legal advice, nor does it extend or limit the jurisdiction of EOIR as established by law and regulation.

A

Abandoned

If an applicant for relief fails to appear for a court hearing, the application is considered abandoned.

Accredited Representative

A non-attorney who is authorized to practice before the Immigration Courts, the Board of Immigration Appeals, and the Immigration and Naturalization Service. In order to be an accredited representative, one must be affiliated with a recognized non-profit, religious, charitable, or social service organization.

Adjustment of Status

A type of relief from deportation, removal, or exclusion for an alien who is eligible for Lawful Permanent Resident status based on a visa petition approved by the Immigration and Naturalization Service. Normally, the visa petition has been filed by a U.S. citizen spouse.

Administrative Closure

Administrative closure of a case is used to temporarily remove the case from an Immigration Judge's calendar or from the Board of Immigration Appeal's docket. Administrative closure of a case does not result in a final order. It is merely an administrative convenience which allows the removal of cases from the calendar in appropriate situations.

Administrative Law Judges

Administrative Law Judges (ALJs), in the Office of the Chief Administrative Hearing Officer (OCAHO), preside over hearings and adjudicate issues arising under provisions of the Immigration and Nationality Act of 1952, as amended, relating to (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens, or the failure to comply with employment eligibility verification requirements, (2) immigration-related document fraud, and (3) immigration-related unfair employment practices based on certain national origin or citizenship status discrimination. OCAHO ALJs are required by statute to have special training in employment discrimination issues.

Affirmative Asylum Application

An asylum application initially filed with the Immigration and Naturalization Service before the alien is placed in proceedings.

Aggravated Felony

As defined by the Immigration and Nationality Act, aggravated felony includes, but is not limited to, murder; rape or sexual abuse of a minor; drug trafficking; firearm trafficking; money laundering; crimes of violence for which the term of imprisonment, even if suspended, is at least one year or more; theft or burglary; gambling; tax fraud; transportation for prostitution purposes; commercial bribery; counterfeiting; forgery; stolen vehicle trafficking; obstruction of justice; perjury; bribery of a witness; and failure to appear to answer for a criminal offense.

Anti-Drug Abuse Act of 1988

Established provisions for aggravated felons and expanded the §241(a)(14) of the Immigration and Nationality Act of 1952, as amended, to provide for deportation for virtually all weapons offenses.

Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA)

Amended the Immigration and Nationality Act to provide for expedited removal of criminal and terrorist aliens.

Appeal from Decision of an Immigration Judge

In an appeal from a decision of an Immigration Judge, the appealing party, which could be an alien, the Immigration and Naturalization Service, or both, states why he or she disagrees with the Immigration Judge's decision. By filing an appeal, the appealing party asks the Board of Immigration Appeals to review the decision of the Immigration Judge.

Appeal from Decision of an INS District Director

In an appeal from a decision of an INS District Director, the respondent states why he or she disagrees with a District Director's decision. By filing an appeal, the respondent asks the Board of Immigration Appeals to review the decision of INS.

Application for Relief

Aliens may request a number of forms of relief from removal such as asylum or cancellation of removal. Many forms of relief require the alien to fill out an appropriate application.

Asylum

A major form of relief from removal is asylum. To be granted this form of relief, the alien must prove he or she has a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group if returned to his or her country of origin, and he or she is not statutorily barred from such relief. Section 208(d)(5)(A)(iii) of the Immigration and Nationality Act of 1952, as amended, notes that in the absence of exceptional circumstances, asylum applications should be adjudicated within 180 days. Generally, aliens must apply for asylum within one year of arrival in the United States.

Asylum Grants

Immigration Judges may decide to either grant or deny an alien's application for asylum. An asylum grant allows the alien to remain in the United States and authorizes employment. One year after a grant of asylum, the asylee can apply for adjustment of status to become lawfully admitted for permanent residence.

Asylum-only

Certain aliens are not entitled to a removal hearing under § 240 of the Immigration and Nationality Act of 1952, as amended, (INA), yet these aliens are entitled to an asylum-only hearing before an Immigration Judge. If an alien who is not entitled to a removal hearing under § 240 of the INA requests asylum, and has not been granted asylum by the Immigration and Naturalization Service (INS), INS will file a Form I-863, Notice of Referral to Immigration Judge, with the Immigration Court. The Immigration Judge may not consider forms of relief other than asylum, withholding, and Convention Against Torture (CAT). Aliens eligible for asylum-only hearings include crewmen, stowaways, Visa Waiver Pilot Project beneficiaries, and those ordered removed from the United States on security grounds. Asylum-only cases will be heard, to the maximum extent practical, within the same time frame as asylum claims in removal cases, i.e. within 180 days.

B

Board of Immigration Appeals

The Board of Immigration Appeals (BIA) is the highest administrative body for interpreting and applying immigration laws. The BIA has been given nationwide jurisdiction to hear appeals from certain decisions rendered by Immigration Judges and by Immigration and Naturalization Service (INS) District Directors in a wide variety of proceedings in which the U.S. Government is one party and the other party is either an alien, a citizen, or a business firm. In addition, the BIA is responsible for the recognition of organizations and accreditation of representatives requesting permission to practice before INS, the Immigration Courts, and the BIA.

Bond

The Immigration and Naturalization Service (INS) may detain a respondent who is in removal or deportation proceedings and may condition his or her release from custody upon the posting of a bond to ensure the respondent's appearance at the hearing. The amount of money set by INS as a condition of release is known as a bond. A bond may be also set by an Immigration Judge as a condition for allowing a respondent to voluntarily leave the country.

Bond Redetermination Hearing

When the Immigration and Naturalization Service has set a bond amount as a condition for release from custody, the respondent has the right to ask an Immigration Judge to redetermine the bond. In a bond redetermination hearing, the Judge can raise, lower, or maintain the amount of the bond; eliminate it; or change any of the conditions over which the Immigration Court has authority. The bond redetermination hearing is completely separate from the removal or deportation hearing. It is not recorded and has no bearing on the subsequent removal or deportation proceeding.

C

Cancellation of Removal

There are two different forms of cancellation of removal:

(A) Cancellation of removal for certain lawful permanent residents who were admitted more than five years ago, have resided in the United States for seven or more years, and have not been convicted of an aggravated felony. See §240A(a) of the Immigration and Nationality Act of 1952, as amended. Application for this form of discretionary relief is made during the course of a hearing before an Immigration Judge.

(B) Cancellation of removal and adjustment of status for certain nonpermanent resident aliens who have maintained continuous physical presence in the United States for 10 years and have met all the other statutory requirements for such relief. See §240A(b) of the Immigration and Nationality Act of 1952, as amended. Application for this form of discretionary relief is made during the course of a hearing before an Immigration Judge. The status of an alien who is granted cancellation of removal for certain nonpermanent resident aliens is adjusted to that of an alien lawfully admitted for permanent residence.

Case

In an immigration proceeding before an Immigration Judge, one case involves one alien.

In an immigration proceeding before the Board of Immigration Appeals, one case involves one lead alien and may also include other family members.

In a proceeding before an Administrative Law Judge in the Office of the Chief Administrative Hearing Office, one case involves a complainant and a respondent. In cases brought under Immigration and Nationality Act (INA) § 274A and § 274C, the complainant is the Immigration and Naturalization Service, and the respondent is an employer. In INA § 247B cases, the complainant is either the Office of Special Counsel for Immigration-Related Unfair Employment Practices or an individual employee, and the respondent is an employer. An employee is a U.S. citizen or an alien authorized to work in the United States.

Change of Venue

Responsibility (venue) for Immigration Court proceedings lies with the Immigration Court where the charging document is filed by the Immigration and Naturalization Service. Immigration Judges may, upon a proper motion, change venue (move the proceeding to another Immigration Court) in those proceedings. The standard for granting a motion for change of venue (COV) is "good cause." The regulation provides authority to change venue only after one of the parties has filed a motion for COV and the other party has been given notice and an opportunity to respond.

Claimed Status Review

If an alien in expedited removal proceedings claims under oath to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee, or to have been granted asylum, and the Immigration and Naturalization Service determines that the alien has no such claim, he or she can obtain a review of that claim by an Immigration Judge.

Coercive Population Control

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided that those who have suffered persecution on account of Coercive Population Control (CPC) policies can now qualify as refugees. Up to a total of 1,000 refugee admissions and asylum grants may be made each fiscal year to applicants who raise claims based on CPC. If applicants for asylum meet the criteria for a CPC grant, but more than 1,000 admissions/grants have already been made for that fiscal year, they are given conditional asylum and are granted permanent asylum when a number becomes available. See "conditional asylum grants."

Completions

Within the context of the Office of the Chief Immigration Judge, a matter is considered completed once an Immigration Judge renders a decision. Proceedings may also be completed for other reasons, such as administrative closures, changes of venue, transfers, and grants of temporary protected status. For matters before the Office of the Chief Administrative Hearing Officer, a case is completed when the Administrative Law Judge issues a final decision disposing of all remaining issues and the time for appeal has ended.

Conditional Asylum Grants

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided that up to a total of 1,000 refugee admissions and asylum grants could be made each fiscal year to applicants who raise claims based on Coercive Population Control (CPC) policies. If applicants for asylum meet the criteria for a CPC grant, but more than 1,000 admissions/grants have already been made for that fiscal year, they are given conditional asylum. This conditional asylum places a person in line until their number becomes available. For example, if the person is number 1002, then that person would wait until the following fiscal year and would be number two in line to receive the grant of asylum.

Continuance

The adjournment of a proceeding to a subsequent day or time in order to allow either party additional time to prepare for the hearing.

Convention Against Torture

On March 22, 1999, the Department of Justice implemented regulations regarding the United Nations' Convention Against Torture (CAT). Under this regulation, aliens in

removal, deportation, or exclusion proceedings may claim that they “more likely than not” will be tortured if removed from the United States. Among other things, the regulation provides jurisdiction to the Immigration Courts and the Board of Immigration Appeals for reviewing these claims. See also “deferral of removal” and “withholding-only.”

Credible Fear Review

If an alien seeking to enter the United States has no documents or no valid documents to enter, but expresses a fear of persecution or an intention to apply for asylum, that alien will be referred to an Immigration and Naturalization Service (INS) officer for a credible fear determination. If the INS officer determines that the alien has not established a credible fear of persecution and an INS supervisor concurs, the alien may request review of that determination by an Immigration Judge. That review must be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no event later than seven days after the date of the determination by the supervisory asylum officer.

Custody Status

Whether an alien is in the actual custody (detained, physical detention) of the Immigration and Naturalization Service, or is at liberty (non-detained).

D

Decision

A determination and order arrived at after consideration of facts and law, by either an Immigration Judge, Board of Immigration Appeals, or the Office of the Chief Administrative Hearing Officer.

Defensive Asylum Application

An asylum application initially filed with the Immigration Court after the alien has been put into proceedings to remove him or her from the United States.

Deferral of Removal

If an Immigration Judge concludes that it is more likely than not that an alien will be tortured in a country, but the alien is ineligible for withholding of removal under the Convention Against Torture (CAT), the alien’s removal will be deferred. The alien’s removal is deferred only to the country in which it has been determined that the alien is likely to be tortured. However, the alien may be removed at any time to another country where he or she is not likely to be tortured. In addition, deferral of removal is effective only until it is terminated. The major difference between deferral of removal and withholding of removal is that there is a streamlined termination process for deferral of removal.

Denials

When an Immigration Judge denies an alien’s application for relief from removal.

Deportation Proceedings

Prior to April 1, 1997, a deportation case usually arose when the Immigration and Naturalization Service (INS) alleged that a respondent entered the country illegally by crossing the border without being inspected by an immigration officer. Deportation cases also occurred when INS alleged that a respondent entered the country legally with a visa but then violated one or more conditions of the visa. When INS became aware of a respondent believed deportable, they issued a charging document called an Order to Show Cause (OSC). An OSC is the charging document that was used prior to April 1, 1997. A deportation proceeding actually began when the OSC was filed with an Immigration Court. In such proceedings, the Government, represented by INS, had to prove that a respondent was deportable for the reasons stated in the OSC. As of April 1, 1997, deportation and exclusion proceedings were replaced by removal proceedings.

Detained

The Executive Office for Immigration Review (EOIR) maintains data on the custody status of aliens in proceedings. Detained aliens are those in the physical custody of the Immigration and Naturalization Service (INS). For the purpose of this Year Book, EOIR also includes in its statistical data on detained aliens, the number of incarcerated aliens in the Institutional Hearing Program. Immigration Court hearings for detained aliens are conducted in INS Service Processing Centers, contract detention facilities, State and local government jails, and Bureau of Prisons institutions. See also "custody status."

Detention of an Alien

The confinement of an alien by the Immigration and Naturalization Service.

Disposition

In immigration proceedings, the latest ruling on removability.

District Director (DD)

The highest ranking immigration official in each of the Immigration and Naturalization Service's 30+ districts. The DD is delegated the authority to control all activities conducted within that district and supervise all personnel except attorneys. The DD also has the delegated authority to grant or deny most applications and petitions, except those that are specifically delegated to asylum officers. This title may change with the move of the Immigration and Naturalization Service to the Department of Homeland Security.

E

Employment Authorization

Employment authorization is permission given by the Immigration and Naturalization Service (INS) to certain aliens to work in the United States. Among others, asylum seekers, asylees and refugees, students, and persons in temporary protected status must apply to the INS for employment authorization.

Exclusion Proceedings

Prior to April 1, 1997, an exclusion case involved a person who tried to enter the United States but was stopped at the point of entry because the Immigration and Naturalization Service (INS) found the person to be inadmissible. This situation occurred, for example, when an INS officer believed the applicant's entry papers were fraudulent.

To place an applicant for admission to the United States in exclusion proceedings, INS issued a charging document referred to as an "I-122" and filed it with an Immigration Court. The INS District Director could either detain the applicant or "parole" the applicant into the country; i.e., release from detention and allow to remain free until the hearing is completed. In either case, the applicant technically had not entered the country.

In the course of the exclusion proceedings, the burden of proof was on the applicant to prove admissibility to the United States. All exclusion proceedings were closed to the public unless requested otherwise by the applicant. Beginning April 1, 1997, deportation and exclusion proceedings were replaced by removal proceedings.

Executive Office for Immigration Review (EOIR)

The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization which combined the Board of Immigration Appeals with the Immigration Judge function, which was previously performed by the Immigration and Naturalization Service (INS). Besides establishing EOIR as a separate agency within DOJ, this reorganization made the Immigration Courts independent of INS, the agency charged with enforcement of Federal immigration laws.

The Office of the Chief Administrative Hearing Officer (OCAHO) was added in 1987 to provide the administrative hearing process for employer sanctions and immigration-related unfair employment practices cases required by the Immigration Reform and Control Act of 1986 (IRCA). EOIR's primary mission is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all parties involved.

Expedited Asylum

Asylum regulations implemented in 1995 mandated that asylum applications be processed within 180 days after filing either at an Immigration and Naturalization Service (INS) Asylum Office or at an Immigration Court. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) reiterated the 180-day rule. Consequently, expedited processing of asylum applications occurs when (1) an alien files "affirmatively" at an INS Asylum Office on or after January 4, 1995, and the application is referred to the Executive Office for Immigration Review (EOIR) by INS within 75 days of the filing; or (2) an alien files an application "defensively" with EOIR on or after January 4, 1995.

F

Failure to Appear

A failure to appear is when either party to a proceeding does not arrive or make an appearance at a court proceeding. Failure to appear by the respondent may result in either an *in absentia* order of removal or an administrative closure.

Filing

A filing occurs with the actual receipt of a document by the appropriate Immigration Court, the Board of Immigration Appeals, or the Office of the Chief Administrative Hearing Officer.

Fines and Penalties

Certain provisions of the Immigration and Nationality Act render individuals and carriers liable for transporting unauthorized aliens in the United States. Fines may be assessed by an Immigration and Naturalization Service (INS) District Director, the INS Associate Director for Examinations, or the INS National Fines Office. The respondent is notified in writing of the decision and, if adverse, of the reasons for the decision. The respondent may appeal this decision to the Board of Immigration Appeals.

Fiscal Year

A 12-month period for which an organization plans the use of its funds. In the U.S. Government, the fiscal year runs from October 1 through September 30.

G

Grant of Relief

When an Immigration Judge or the Board of Immigration Appeals awards the relief for which the alien has applied.

Grant of Motion

There are many types of motions in immigration proceedings. However, only two types are tracked in the Statistical Year Book: motions to reopen and motions to reconsider. A motion to reconsider is granted when an Immigration Judge or the Board of Immigration Appeals allows a reconsideration of the decision. A motion to reopen is granted when an Immigration Judge or the Board of Immigration Appeals allows a proceeding to be reopened.

H

Haitian Refugee and Immigration Fairness Act (HRIFA)

On October 21, 1998, the President signed into law a Fiscal Year 1999 Omnibus Appropriations Act, Public Law 105–277 (112 Stat. 2681). Division A, title IX of that statute,

the Haitian Refugee and Immigration Fairness Act (HRIFA), contained a provision, § 902, that allows certain nationals of Haiti to adjust their status to that of lawful permanent resident.

I

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)

Among other things, IIRIRA focused on enforcement of immigration laws by streamlining the procedures that were previously required to remove aliens from the United States.

Immigration Act of 1990 (IMMACT)

In 1990, the Congress of the United States passed amendments to the Immigration and Nationality Act of 1952 (INA). The statute modified many of the INA's provisions. IMMACT reformed the rules pertaining to the legal entry of foreign nationals and expanded the regulations enacted by the Immigration Reform and Control Act of 1986 (IRCA). Among other things, IMMACT added two types of crimes to the INA's definition of "aggravated felony:" (1) Crimes of violence for which the alien is sentenced to or confined for a period of five years, and (2) money laundering.

Immigration and Nationality Act of 1952 (INA)

The Immigration and Nationality Act of 1952 consolidated previous immigration laws into one coordinated statute. As amended, the 1952 Act provides the foundation for immigration law in effect today. The INA deals with the immigration, temporary admission, naturalization, and removal of aliens.

Immigration and Naturalization Service (INS)

The agency responsible for administering the immigration and naturalization laws relating to the temporary admission, immigration, naturalization, and removal of aliens. Specifically, INS inspects aliens to determine their admissibility into the United States, adjudicates requests of aliens for benefits under the law, guards against illegal entry into the United States, removes aliens in this country who are in violation of the law, examines alien applicants seeking to become citizens, and enforces immigration-related employment verification and document fraud laws. The INS was transferred out of the Department of Justice to the Department of Homeland Security on March 1, 2003. The information in this Statistical Year Book relates to INS as it was structured in FY 2002.

Immigration Court

Each Immigration Court is staffed with Immigration Judges who conduct immigration hearings. They function in an independent decision-making capacity to determine the facts in each case, apply the law, and render a decision. Their decisions are final unless appealed to the Board of Immigration Appeals. Management functions of the Immigration Court are supervised by a Court Administrator.

Immigration Judge

The Immigration Judge is an administrative hearing officer designated by the Attorney General to conduct immigration proceedings. Immigration Judges preside over courtroom proceedings in removal, deportation, exclusion, and other proceedings authorized by 8 C.F.R. § 3.1(b).

Immigration Reform and Control Act of 1986 (IRCA)

Among other things, IRCA addressed the problem of undocumented aliens by imposing sanctions on employers of illegal aliens, and legalizing the status of certain undocumented entrants who had arrived prior to January 1, 1982. The Immigration and Naturalization Service was also provided with significant new resources to enforce the immigration laws through IRCA. IRCA also created protections for workers against discrimination based on citizenship status and national origin.

In Absentia

When an alien fails to appear (FTA) for a hearing, an Immigration Judge may conduct a hearing without the alien present and order the alien removed from the United States. In such a hearing, the Immigration and Naturalization Service trial attorney must establish by clear, unequivocal, and convincing evidence that the alien is removable before an Immigration Judge orders the alien removed in absentia. The Immigration Judge must also be satisfied that notice of time and place of the hearing were provided to the alien or the alien's representative.

Inadmissible

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) replaced the term "excludable" with the term "inadmissible." Section 212 of the Immigration and Nationality Act defines classes of aliens ineligible to receive visas and ineligible for admission. Aliens who, at the time of entry, are within one of these classes of inadmissible aliens are removable.

Individual Calendar

Cases in which the alien seeks relief from removal are set on the Immigration Judge's individual calendar. In an individual hearing on the merits of the case, the alien presents his case and applications for relief.

Institutional Hearing Program (IHP)

The Immigration Reform and Control Act of 1986 requires the Attorney General to expeditiously commence immigration proceedings for alien inmates convicted of crimes in the United States. To meet this requirement, the Department of Justice established the Institutional Hearing Program (IHP) where removal hearings are held inside correctional institutions prior to the alien completing his or her criminal sentence. The IHP is a collaborative effort between the Executive Office for Immigration Review and the Immigration and Naturalization Service and various Federal, state, and local corrections agencies throughout the country.

L

Lawful Permanent Resident (LPR)

An alien who has been conferred permanent resident status and has been issued an identification document, which is often referred to as a “green card.”

M

Master Calendar

All new cases, motions to recalendar, granted motions to reopen/reconsider, and remanded cases are set for Master Calendar hearings. In Master Calendar hearings, the Immigration Judge rules on the charges that the Immigration and Naturalization Service has filed against the alien on the charging document and establishes the type of relief (if any) the person is seeking from deportation, exclusion, or removal.

Matters

Matters before the Immigration Courts include all proceedings, bond redeterminations, and motions to reopen or reconsider. There may be multiple matters per case.

Motion

A motion is a formal request from either party (the alien or the Immigration and Naturalization Service) in proceedings before the Immigration Court, or the Board of Immigration Appeals, to carry out an action or make a decision. Motions include, for example, motions for change of venue, motions for continuance, motions to terminate proceedings, etc. Only motions to reopen or reconsider are currently tracked and reported in this Statistical Year Book.

N

Nationality

Citizenship derived from the place of birth or from naturalization.

Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)

Under § 202 of NACARA, certain nationals of Nicaragua and Cuba in the United States were eligible to adjust their immigration status to become lawful permanent residents. In addition, § 203 of NACARA provides special rules regarding applications for suspension of deportation and cancellation of removal by certain Guatemalan, Salvadoran, and particular former Soviet bloc nationals.

Non-detained

The status of an alien who has not been in the physical custody of the Immigration and Naturalization Service or the Institutional Hearing Program. See also “released.”

Notice to Appear (NTA)

The document (Form I-862) used by the Immigration and Naturalization Service (INS) to charge an alien with being removable from the United States. The filing of an NTA transfers jurisdiction in the case from INS to the Executive Office for Immigration Review.

Notice of Intent

In a rescission case, the Immigration and Naturalization Service issues a Notice of Intent to Rescind an individual’s permanent resident status, and the individual has the right to contest the charge before an Immigration Judge.

**Office of the Chief Administrative Hearing Officer (OCAHO)**

The Office of the Chief Administrative Hearing Officer has jurisdiction over three types of cases arising under the Immigration and Nationality Act of 1952, as amended: (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens; (2) immigration-related unfair employment practices; and, (3) immigration-related document fraud. OCAHO is headed by a Chief Administrative Hearing Officer (CAHO) who provides overall program direction, articulates policies and procedures, establishes priorities and administers the hearing process presided over by Administrative Law Judges (ALJs). The CAHO also conducts administrative review of ALJs’ decisions in the areas of employer sanctions and document fraud, and may modify or vacate those ALJ decisions. Complaints are brought by the Immigration and Naturalization Service, the Office of Special Counsel for Immigration-Related Unfair Employment Practices, or private individuals as prescribed by statute.

Office of the Chief Immigration Judge

The Office of the Chief Immigration Judge (OCIJ) provides overall program direction, articulates policies and procedures, and establishes priorities for more than 220 Immigration Judges. In FY 2002, 211 of those Immigration Judges were located in 51 Immigration Courts throughout the nation, while the remainder served in supervisory roles in Headquarters. The Chief Immigration Judge carries out these responsibilities with the assistance and support of two Deputy Chief Immigration Judges and nine Assistant Chief Immigration Judges. Immigration Judges are responsible for conducting formal court proceedings, and act independently in deciding the matters before them. Their decisions are administratively final unless appealed or certified to the Board of Immigration Appeals.

P

Parole

An alien who is determined to be inadmissible by the Immigration and Naturalization Service (INS), but for “urgent humanitarian reasons” or “significant public benefit” is allowed to enter the United States, provided the alien is not a security or flight risk. Parole is granted by INS.

Pro Bono

A Latin phrase meaning legal representation done or performed free of charge. Because aliens in removal proceedings are not entitled to publicly-funded legal assistance, some attorneys offer their services on a *pro bono* basis.

Pro Se

A Latin phrase meaning that the party represents him or herself in legal proceedings without an attorney or representative.

Proceeding

The legal process conducted before the Immigration Court and Board of Immigration Appeals.

R

Reasonable Fear Review

Reasonable Fear Review proceedings are available to aliens who have been ordered removed by the Immigration and Naturalization Service (INS) under § 238 of the Immigration and Nationality Act (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and under § 241(a)(5) of the INA (covering aliens who are the subjects of previously issued final orders of removal). Under this process, an alien who has been ordered removed by INS and expresses a fear of persecution or torture will have his or her claim screened by an asylum officer. If the asylum officer determines that the alien has not established a reasonable fear of persecution or torture, the alien may request a review of that determination by an Immigration Judge.

Receipts

The number of judicial filings received by the Executive Office for Immigration Review. For the Immigration Courts, receipts include bond redetermination hearings, proceedings, and motions. For the Board of Immigration Appeals, receipts include case, bond, motion, and interlocutory appeals, as well as certain appeals of Immigration and Naturalization Service decisions. For the Office of the Chief Administrative Hearing Officer, receipts represent the number of new complaints filed.

Reconsider, Motion to

Aliens may request, by motion, the reconsideration of a case previously heard by an Immigration Judge or the Board of Immigration Appeals. A motion to reconsider either identifies an error in law or fact in a prior proceeding or identifies a change in law and asks the Immigration Judge or BIA to re-examine its ruling. A motion to reconsider is based on the existing record and does not seek to introduce new facts or evidence. Before an Immigration Judge, a motion to reconsider must be filed within 30 days after the date of entry of a final administrative decision; before the BIA a motion to reconsider must be filed with 30 days after the mailing of a BIA decision.

Released

A released alien is someone who was detained at some point during proceedings and subsequently released on bond or on their own recognizance.

Relief from Removal

In hearings before an Immigration Judge, an alien may be able to seek relief from removal. Various types of discretionary relief may be sought, including asylum, cancellation of removal, or adjustment of status.

Removable

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 replaced the terms “excludable” and “deportable” with the umbrella term “removable.” An alien may be found to be removable from the United States by an Immigration Judge or the Board of Immigration Appeals. Additionally, some aliens are determined to be removable by the the Immigration and Naturalization Service, e.g., in expedited removal or administrative removal proceedings. Only aliens found removable by the Executive Office for Immigration Review are reported in this Year Book.

Removal Proceedings

An Immigration Court proceeding begun on or after April 1, 1997, seeking to either stop certain aliens from being admitted to the United States or to remove them from the United States.

A removal case usually arises when the Immigration and Naturalization Service (INS) alleges that a respondent is inadmissible to the United States, has entered the country illegally by crossing the border without being inspected by an immigration officer, or has violated the terms of his or her admission. The INS issues a charging document called a Notice to Appear (NTA) and files it with an Immigration Court to begin a removal proceeding.

Reopen, Motion to

Aliens may request, by motion, the reopening of a case previously heard by an Immigration Judge or the Board of Immigration Appeals (BIA). A motion to reopen asks an Immigration

Judge or the BIA to consider new and previously unavailable facts or evidence in a case. Before the Immigration Judge, a motion to reopen must be filed within 90 days of the date of entry of a final administrative order of removal, deportation, or exclusion. Before the BIA, a motion to reopen must be filed within 90 days of the BIA's final administrative decision.

Represented

A represented individual has an attorney or accredited representative act as his agent in proceedings before the Immigration Courts or the Board of Immigration Appeals.

Rescission Hearing

A less common type of proceeding that comes before the Immigration Court is a rescission case. If, within five years of granting adjustment of status, the Immigration and Naturalization Service (INS) discovers that the respondent/applicant was not entitled to lawful permanent residence (LPR) status when it was granted, INS issues a Notice of Intent to Rescind. If the respondent/applicant requests a hearing before an Immigration Court, INS will file the Notice with the Immigration Court, and the proceeding to rescind the individual's LPR status commences. As with deportation cases, the Government has the burden of proof to show that rescission is warranted. If an individual loses LPR status, he or she then is usually subject to removal proceedings.

Although rescission proceedings still exist after April 1, 1997, the INS may also place an LPR into removal proceedings. An order of removal is sufficient to rescind the alien's status.

Respondent

A party to an immigration proceeding against whom charges have been lodged and findings may be made.

S

Suspension of Deportation

Suspension of Deportation is a discretionary form of relief for certain aliens in deportation proceedings who have maintained continuous physical presence in the United States for seven years and have met the other statutory requirements for such relief. See former §244 of the Immigration and Nationality Act of 1952, as amended. Application for this relief is made during the course of a hearing before an Immigration Judge. The status of an alien who is granted this relief is adjusted to that of an alien lawfully admitted for permanent residence. See also cancellation.

T

Temporary Protected Status

Temporary Protected Status (TPS) is a temporary immigration status granted to eligible individuals of designated countries. The Attorney General may designate countries for TPS when, for example, there is ongoing armed conflict, an environmental disaster, or other extraordinary temporary conditions.

Termination

A termination is a type of completion in which a case is closed by an Immigration Judge without a final order of removal or deportation. Normally, the Immigration Judge finds that the respondent is not removable.

U

Unrepresented

An individual in proceedings may represent himself or herself before an Immigration Court or the Board of Immigration Appeals instead of being represented by an attorney or accredited representative. See also *pro se*.

V

Visa Petition

A visa petition is the first step toward obtaining lawful permanent residence for a foreign-born individual or family. It is usually filed by a U.S. citizen, lawful permanent resident, or employer on behalf of an alien. Visa petitions are adjudicated by the Immigration and Naturalization Service (INS) and, once approved, may be revoked or revalidated by INS under certain circumstances. If a visa petition is denied or revoked, or the revalidation of a visa petition is denied, an appeal may be taken to the Board of Immigration Appeals (BIA) in some instances. For visa petition appeals within the BIA's jurisdiction, INS is initially responsible for management of the appeal, including the briefing processing. The BIA's role in the appeal process does not begin until the completed record is received from INS.

Voluntary Departure

Voluntary departure is the departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an Immigration Judge. An alien allowed to voluntarily depart concedes removability but is not barred from seeking admission at a port of entry in the future. Failure to depart within the time granted results in a fine and a ten-year bar against the alien applying for several forms of relief from removal.

W

Waiver of Inadmissibility

Nonimmigrant (temporary) Visa applicants who are inadmissible to the United States require a waiver from the Immigration and Naturalization Service which, if granted, permits them to apply for temporary admission.

Waiver of Removability

Once an alien has been found removable, he or she may be able to apply for relief from expulsion from the United States in the form of a waiver. Eligibility for waivers of removability depend upon the alien's ability to establish hardship on himself or herself or on close family members if he or she were to be removed from the United States.

Withdrawal of an Appeal

An appealing party may, at any time prior to the entry of a decision by the Board of Immigration Appeals, voluntarily withdraw his or her appeal, with or without the consent of the opposing party.

Withdrawal of an Application for Admission

Withdrawal of an application is an arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an Immigration Judge or an expedited removal by the Immigration and Naturalization Service.

Withdrawal of an Application for Relief

An alien in proceedings may, at any time prior to a decision in his or her case, voluntarily withdraw any application for relief filed on his or her behalf.

Withholding-Only

An alien in administrative removal proceedings under § 238 of the Immigration and Nationality Act (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and aliens subject to reinstatement of removal under § 241(a)(5) of the INA are now able to apply for withholding of removal under § 241(b)(3) of the INA, as well as under the Convention Against Torture, after a screening process by an asylum officer. In a withholding-only proceeding, an Immigration Judge may only consider the alien's application for withholding of removal under § 241(b)(3) of the INA and the Convention Against Torture. The process is similar to an asylum-only hearing pursuant to 8 C.F.R. §208(b).



U.S. Department of Justice

Executive Office for Immigration Review

Pro Bono Program

HOME

- Major Program Initiatives
- Reports

EOIR Links

- List of Free Legal Services
- Immigration Courts
- EOIR Forms
- Practice Manual
- Statistics/Publications
- Local Operating Procedures
- Recognition & Accreditation

Links to Resources

- Need Pro Bono Assistance
- Volunteer Opportunities
- Volunteer Legal Resources

Reports

Immigration Court Representation Summaries

The following reports track the legal representation rates at various EOIR Immigration Courts throughout the country in order to assist non-profit legal agencies and *pro bono* attorneys in their efforts to assist indigent individuals in need of legal assistance. The reports include information regarding the custody status, nationalities, languages, and forms of relief requested by individuals in removal proceedings.

Arlington, VA

Atlanta, GA

[Baltimore, MD](#)

Batavia, NY

[Bloomington, MN](#)

[Boston, MA](#)

[Bradenton, FL](#)

[Buffalo, NY](#)

[Chicago, IL](#)

Dallas, TX

[Denver, CO](#)

Detroit, MI

El Centro, CA

[El Paso, TX](#)

[Elizabeth, NJ](#)

[Eloy, AZ](#)

Fishkill, NY

Florence, AZ

[Guaynabo, PR](#)

Harlingen, TX

[Hartford, CT](#)

[Honolulu, HI](#)

[Houston, TX](#)

Imperial, CA

Jamaica, NY

Miami (Krome), FL

Lancaster, CA

Las Vegas, NV

Los Angeles, CA

Memphis, TN

Miami, FL

Newark, NJ

New Orleans, LA

New York, NY

Oakdale, LA

Orlando, FL

Philadelphia, PA

Phoenix, AZ

Portland, OR

[San Antonio, TX](#)

San Diego, CA

San Francisco, CA

San Pedro, CA

Seattle, WA

Tucson, AZ

Varick Street, NY

Napanoch (Ulster), NY

York, PA

**U.S. Department of Justice
Executive Office for Immigration Review
Office of Planning and Analysis
Immigration Courts**

ASYLUM STATISTICS
Fiscal Year 2002

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
TOTALS	72,712	8,638	2,271	18,257	4,227	8,489	13,108
AFGHANISTAN	230	74	0	57	11	16	57
ALBANIA	2,364	514	0	805	60	40	361
ALGERIA	77	15	0	30	5	7	17
ANDORRA	2	0	0	4	0	0	1
ANGOLA	35	4	0	24	1	2	10
ANGUILLA	0	0	0	0	0	0	0
ANTIQUA AND BARBUDA	1	0	0	0	0	0	0
ARGENTINA	143	13	0	25	6	33	30
ARMENIA	1,652	321	0	437	140	82	356
ARUBA	0	0	0	0	0	0	0
AUSTRALIA	7	0	0	2	0	1	0
AUSTRIA	8	0	0	0	0	1	2
AZERBAIJAN	251	38	0	36	85	7	75
BAHAMAS	14	0	0	8	0	1	7
BAHRAIN	5	1	0	1	0	1	1
BANGLADESH	290	104	0	134	33	38	101
BARBADOS	1	0	0	1	0	0	0
BELGIUM	5	1	0	2	1	1	1
BELIZE	21	0	0	4	0	9	1
BENIN	6	4	0	2	0	0	1
BERMUDA	3	0	0	0	0	3	0
BHUTAN	6	4	0	2	1	1	5
BOLIVIA	45	1	0	9	0	11	14
BOSNIA-HERZEGOVINA	48	23	0	10	0	4	16
BOTSWANA	0	0	0	0	0	0	0

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Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
BOUVET ISLAND	0	0	0	0	0	0	0
BRAZIL	210	9	0	43	9	26	38
BRITISH INDIAN OCEAN TERRITORY	0	0	0	0	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	1
BRITISH WEST INDIES	0	0	0	0	0	0	0
BRUNEI	0	0	0	0	0	0	0
BUKINA FASO	16	2	0	5	0	1	2
BULGARIA	197	47	0	76	11	24	48
BURMA (MYANMAR)	280	126	0	39	11	8	49
BURUNDI	50	9	0	17	11	2	6
BYELORUSSIA (BELARUS)	96	13	1	12	3	8	24
CAMBODIA	53	0	0	18	2	6	12
CAMEROON	533	114	0	151	10	10	71
CANADA	15	4	0	2	0	3	2
CAPE VERDE	3	0	0	2	0	0	7
CAYMAN ISLANDS	3	0	0	2	0	0	0
CENTRAL AFRICAN REPUBLIC	32	2	0	2	1	1	2
CHAD	12	3	0	5	0	0	3
CHILE	45	1	0	9	1	7	3
CHINA	11,043	826	2,267	4,219	487	382	1,795
CHRISTMAS ISLANDS	0	0	0	0	1	0	0
COCOS ISLAND	0	0	0	0	0	0	0
COLOMBIA	9,383	1,017	0	1,719	222	256	673
COMORO ISLANDS	0	0	0	0	0	0	0
CONGO	485	128	0	122	34	3	82
COOK ISLANDS	0	0	0	0	0	0	0
COSTA RICA	17	1	0	4	2	3	1

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Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
CROATIA	21	3	0	9	0	7	8
CUBA	677	23	0	140	10	332	314
CYPRUS	0	0	0	0	1	0	0
CZECH REPUBLIC	15	4	0	8	0	1	2
CZECHOSLOVAKIA	35	1	0	1	1	5	2
DENMARK	2	0	0	1	0	1	0
DJIBOUTI	7	0	0	0	0	4	5
DOMINICA	0	0	0	0	0	0	1
DOMINICAN REPUBLIC	85	4	0	26	3	13	23
EAST GERMANY	0	0	0	0	0	0	0
ECUADOR	140	3	0	29	9	23	29
EGYPT	704	228	0	133	14	30	120
EL SALVADOR	1,823	43	1	285	164	454	1,698
EQUATORIAL GUINEA	1	0	0	1	0	1	2
ERITREA	194	42	0	87	1	5	37
ESTONIA	65	4	0	10	3	2	13
ETHIOPIA	772	230	0	333	27	46	139
FAEROE ISLAND	0	0	0	0	0	0	0
FALKLAND ISLANDS	0	0	0	0	0	0	0
FEDERATED STATES OF MICRONESA	1	0	0	0	0	1	0
FIJI	322	89	0	93	14	17	52
FINLAND	5	1	0	0	0	2	0
FRANCE	17	0	0	11	0	3	3
FRENCH GUIANA	0	0	0	0	0	0	0
FRENCH POLYNESIA	0	0	0	0	0	0	0
FRENCH SOUTHERN AND ANTARCTIC LAND	0	0	0	0	0	0	0
FRENCH WEST INDIES	0	0	0	0	0	0	0

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Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
GABON	4	0	0	2	1	1	1
GAMBIA	58	18	0	25	3	8	15
GAZA STRIP	1	0	0	1	1	0	0
GEORGIA	186	66	0	60	17	10	34
GERMANY	29	2	0	12	2	8	1
GHANA	76	8	0	45	4	20	29
GIBRALTAR	4	0	0	0	0	0	0
GREECE	19	2	0	4	5	2	5
GREENLAND	0	0	0	0	0	0	0
GRENADA	2	0	0	1	0	2	0
GUADELOUPE	1	0	0	0	0	1	0
GUATEMALA	1,879	114	0	723	237	309	603
GUINEA	658	94	0	145	88	20	63
GUINEA BISSAU	11	0	0	1	0	0	3
GUYANA	134	3	0	23	2	12	33
HAITI	4,363	477	0	2,397	211	166	594
HEARD AND MCDONALD ISLANDS	0	0	0	0	0	0	0
HOLLAND	0	0	0	0	0	0	0
HONDURAS	442	17	0	137	38	74	149
HONG KONG	10	3	0	2	0	2	2
HUNGARY	15	2	0	7	0	2	1
ICELAND	0	0	0	0	0	0	0
INDIA	1,907	487	0	557	130	144	466
INDONESIA	1,862	281	0	540	83	50	310
IRAN	733	209	0	190	81	55	185
IRAQ	590	280	0	135	14	16	83
IRELAND	0	0	0	0	0	0	1

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ASYLUM STATISTICS
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Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
ISRAEL	82	6	0	16	1	10	23
ITALY	15	1	0	4	0	2	5
IVORY COAST (COTE D'IVOIRE)	83	13	0	34	4	14	21
JAMAICA	137	4	0	48	3	37	39
JAPAN	12	2	0	1	0	4	5
JORDAN	215	14	0	57	12	14	46
KAMPUCHEA	144	9	0	24	6	7	18
KAZAKHSTAN	66	28	0	30	0	18	19
KENYA	231	30	2	35	6	5	28
KIRGHIZIA (KYRGYZSTAN)	36	3	0	14	2	3	12
KIRIBATI	0	0	0	0	0	0	0
KOSOVE	21	0	0	5	0	0	7
KOSRAE, FEDERATED STATES OF MICRONE	0	0	0	0	0	0	0
KUWAIT	22	3	0	12	3	0	2
LAOS	122	12	0	38	5	37	63
LATVIA	38	6	0	22	2	6	4
LEBANON	205	53	0	80	6	22	50
LESOTHO	2	0	0	0	0	0	0
LIBERIA	664	140	0	92	31	43	251
LIBYA	5	2	0	2	2	0	2
LIECHTENSTEIN	0	0	0	0	0	0	0
LITHUANIA	82	2	0	15	2	3	7
LUXEMBOURG	0	0	0	0	0	0	0
MACAU	6	0	0	0	0	0	0
MACEDONIA	139	18	0	40	1	13	19
MADAGASCAR	2	2	0	0	0	1	0
MALAWI	4	3	0	2	0	1	1

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MALAYSIA	28	3	0	4	1	3	7
MALDIVES	0	0	0	0	0	0	0
MALI	35	6	0	6	2	6	10
MALTA	0	0	0	0	0	0	0
MARTINIQUE	0	0	0	0	0	0	0
MAURITANIA	758	117	0	182	86	18	111
MAURITIUS	2	0	0	1	1	0	0
MEXICO	14,887	37	0	547	1,036	4,428	1,313
MIDWAY ISLANDS	0	0	0	0	0	0	0
MOLDAVIA (MOLDOVA)	43	8	0	6	1	5	10
MONACO	1	0	0	1	0	0	0
MONGOLIA	13	0	0	3	2	1	3
MONTSERRAT	0	0	0	0	0	0	0
MOROCCO	43	4	0	5	0	0	9
MOZAMBIQUE	1	1	0	0	0	0	0
NAMIBIA	2	0	0	0	0	0	0
NAURU	0	0	0	0	0	0	0
NEPAL	111	36	0	24	4	6	15
NETHERLANDS	1	0	0	1	0	1	0
NETHERLANDS ANTILLES	1	0	0	0	0	0	1
NEW CALEDONIA	0	0	0	0	0	0	0
NEW ZEALAND	2	0	0	0	0	2	0
NICARAGUA	180	4	0	68	2	24	35
NIGER	50	3	0	24	4	0	3
NIGERIA	350	43	0	177	19	45	105
NIUE	0	1	0	1	1	0	0
NO NATIONALITY	3	1	0	0	0	0	0

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NORFOLK ISLAND	0	0	0	0	0	0	0
NORTH KOREA	3	4	0	0	0	0	0
NORWAY	0	0	0	0	0	0	0
OMAN	1	0	0	0	0	2	0
PAKISTAN	809	180	0	235	71	69	214
PALAU	0	0	0	0	0	0	0
PANAMA	14	1	0	2	0	1	4
PAPUA NEW GUINEA	0	0	0	0	0	0	0
PARAGUAY	19	0	0	3	2	2	2
PEOPLE'S REPUBLIC OF BENIN	1	0	0	0	0	0	0
PERU	461	87	0	103	27	87	103
PHILIPPINES	244	22	0	76	43	86	109
PITCAIRN ISLANDS	0	0	0	0	0	0	0
POLAND	71	8	0	56	5	17	23
PORTUGAL	12	0	0	2	0	2	1
QATAR	3	0	0	1	0	0	1
REUNION	0	0	0	0	0	0	0
ROMANIA	258	50	0	65	3	40	50
RUSSIA	1,011	309	0	200	87	81	259
RWANDA	58	17	0	19	0	2	21
SAN MARINO	0	0	0	1	0	0	0
SAO TOME AND PRINCIPE	0	0	0	0	0	1	0
SAUDI ARABIA	13	2	0	7	0	1	3
SENEGAL	62	4	0	22	4	2	12
SERBIA MONTENEGRO	20	29	0	21	0	2	6
SEYCHELLES	11	15	0	8	0	0	0
SIERRA LEONE	578	110	0	153	60	21	86

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SINGAPORE	7	4	0	4	0	0	1
SLOVAK REPUBLIC	16	2	0	5	1	3	10
SLOVENIA	9	2	0	3	0	1	1
SOLOMON ISLANDS	0	0	0	0	0	0	0
SOMALIA	777	235	0	248	165	33	273
SOUTH AFRICA	52	16	0	13	5	8	1
SOUTH KOREA	27	0	0	6	0	8	15
SOVIET UNION	8	2	0	3	1	2	4
SPAIN	7	1	0	4	0	1	0
SRI LANKA	418	140	0	133	24	96	62
ST. CHRISTOPHER-NEVIS	2	0	0	0	0	0	1
ST. HELENA	0	0	0	0	0	0	0
ST. KITTS, WEST INDIES	0	0	0	0	0	0	1
ST. LUCIA	2	0	0	0	0	0	0
ST. PIERRE AND MIQUELON	0	0	0	0	0	0	0
ST. VINCENT AND THE GRENADINES	2	0	0	1	0	1	0
STATELESS - ALIEN UNABLE TO NAME A CO	138	21	0	29	11	6	28
SUDAN	356	86	0	94	19	16	83
SURINAME	7	2	0	3	2	5	4
SWAZILAND	0	0	0	0	0	0	0
SWEDEN	2	0	0	1	0	1	0
SWITZERLAND	2	0	0	2	1	0	0
SYRIA	115	11	0	27	3	16	41
TAIWAN	12	0	0	1	0	2	2
TAJIKISTAN (TADZHIK)	20	1	0	4	1	0	3
TANZANIA	41	5	0	10	0	0	12
THAILAND	34	0	0	12	8	2	10

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TOGO	174	43	0	35	5	2	33
TOKELAU	0	0	0	0	0	0	0
TONGA	7	0	0	0	0	3	0
TRINIDAD AND TOBAGO	23	1	0	11	2	12	6
TRUST TERRITORY OF THE PACIFIC ISLAND	0	0	0	0	0	0	0
TUNISIA	15	2	0	11	0	1	1
TURKEY	143	23	0	53	5	16	27
TURKMENISTAN	11	5	0	2	1	0	0
TURKS AND CAICOS ISLANDS	2	0	0	1	0	0	0
TUVALU	0	0	0	0	0	0	0
UGANDA	220	40	0	62	9	5	26
UKRAINE	351	96	0	134	21	55	95
UNITED ARAB EMIRATES	1	0	0	1	0	0	0
UNITED KINGDOM	28	14	0	15	2	8	13
UPPER VOLTA	0	0	0	0	0	0	0
URUGUAY	11	0	0	3	0	5	3
UZBEKISTAN	235	45	0	24	8	8	50
VANUATU	0	0	0	0	0	0	0
VENEZUELA	210	24	0	34	2	5	24
VIETNAM	165	10	0	76	4	53	58
WESTERN SAHARA	1	0	0	1	0	0	0
WESTERN SAMOA	1	0	0	0	0	0	0
YEMEN	80	9	0	45	2	11	21
YUGOSLAVIA	706	145	0	290	54	56	138
ZAIRE	38	18	0	20	2	3	8
ZAMBIA	38	4	0	2	2	0	11
ZIMBABWE	147	21	0	25	8	3	3

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